



SECURITY COUNCIL

OFFICIAL RECORDS

FORTY-EIGHTH YEAR

SUPPLEMENT FOR APRIL, MAY AND JUNE 1993

UNITED NATIONS



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NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

Documents of the Security Council (symbol S/...) are normally published in quarterly *Supplements* of the *Official Records of the Security Council*. The date of the document indicates the supplement in which it appears or in which information about it is given.

The resolutions of the Security Council, numbered in accordance with a system adopted in 1964, are published in yearly volumes of *Resolutions and Decisions of the Security Council*. The new system, which has been applied retroactively to resolutions adopted before 1 January 1965, became fully operative on that date.

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CHECK-LIST OF SECURITY COUNCIL DOCUMENTS ISSUED DURING THE PERIOD

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NOTE: The titles of the documents in the present *Supplement* appear in bold type. References are given for the other documents or they may be consulted in the Dag Hammarskjöld Library. The letters in the subject index column correspond to those in the index on page xlix and indicate the subject-matter of the documents to which they refer.

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^{*}As from the 3199th meeting, held on 16 April 1993, the item was reformulated to read "The situation in the Republic of Bosnia and Herzegovina"

**Letter dated 15 June 1993 from the representative of
the United States of America to the President of the
Security Council**

*[Original: English]
[15 June 1993]*

On behalf of the unified command established pursuant to Security Council resolution 84 (1950) of 7 July 1950, I have the honour to submit a report of the United Nations Command (UNC) concerning the maintenance of the Armistice Agreement of 1953 [S/3079, *appendix A*]. The attached report describes UNC missions, outlines the Korean Armistice mechanism, and updates the last report, which was submitted to the Security Council on 15 June 1992.

I request that the present letter, together with the attached report of the United Nations Command, be circulated as a document of the Security Council.

*(Signed) Madeleine K. ALBRIGHT
Permanent Representative of the United States
of America to the United Nations*

ANNEX

Report of the activities of the United Nations Command, 1992

I. UNITED NATIONS COMMAND AND ITS MISSION

1. Security Council resolution 84 (1950) of 7 July 1950 determined that the armed attack upon the Republic of Korea (ROK) by forces from North Korea constituted a breach of the peace; recommended that Members of the United Nations furnish such assistance to the ROK as may be necessary to repel the armed attack and to restore international peace and security in the region; and called for Member States to make military forces and other assistance available to a unified command under the United States of America for operations against North Korean armed aggression. Resolution 84 (1950) also requested that the United States designate the commander for the unified command and provide the Security Council with reports as appropriate on actions taken by the unified command. The United States and 15 other States Members of the United Nations provided military forces to the unified command which was later named the United Nations Command (UNC). This prompt and sustained "collective action" against North Korean aggression gained United Nations objectives through the Korean Armistice Agreement. The Commander-in-Chief, UNC (CINCUNC) signed the 27 July 1953 Korean Armistice Agreement on behalf of all the forces of the 16 Member States and the Republic of Korea, which fought under the United Nations flag. General Assembly resolution 712 (VII) of 28 August 1953 acknowledged the receipt of a CINCUNC special report of 7 August 1953 on the Armistice in Korea and saluted the heroic soldiers of the Republic of Korea and of all those countries which sent armed forces to repel North Korean aggression. General Assembly resolution 811 (IX) of 11 December 1954 noted paragraph 62 of the Armistice Agreement of 27 July 1953 which provides that the Agreement "shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate

agreement for a peaceful settlement at a political level between both sides", and reaffirmed that the objectives of the United Nations remain the achievement by peaceful means of a unified, independent and democratic Korea and the full restoration of international peace and security in the area. Pursuant to paragraph 17 of the Armistice Agreement, all CINCUNC successors in command are responsible for compliance with and enforcement of the terms and provisions of the Armistice Agreement. UNC continues to carry out its functions and fulfil its obligations under the mandate of the Armistice Agreement. Of the original 16 Member States that provided military forces to the UNC during the Korean War, nine nations are represented today. They are Australia, Canada, Colombia, France, New Zealand, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States. Officers from these nations participate in many UNC activities, including multinational investigations of serious Armistice violations, such as weapons firings and the presence of illegal weapons in the demilitarized zone (DMZ). The present report updates the United Nations Command report to the Security Council on the maintenance of the Korean Armistice of 15 June 1992 [S/24466, *annex*].

II. ARMISTICE MECHANISM AND PROCEDURES

2. The Korean Armistice Agreement, which is intended to be purely military in character and pertains solely to the belligerents in Korea, is to ensure a complete cessation of all hostilities in Korea by all armed forces of the opposing sides until "a final peaceful settlement is achieved". CINCUNC signed the Armistice Agreement on behalf of all military forces under the unified command, and the Commanders of the Korean People's Army (KPA) and the Chinese People's Volunteers (CPV) signed the Agreement on behalf of the communist forces.

A. Military Armistice Commission

3. The Armistice Agreement established the Military Armistice Commission (MAC) "to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement". The Commission is a joint organization composed of 10 military members: five senior officers from the UNC and five senior officers from the KPA/CPV. In accordance with paragraph 20 of the Armistice Agreement, CINCUNC appoints five senior officers drawn from the Republic of Korea, the United States, the United Kingdom and other States Members of the United Nations represented in UNC. MAC meetings can be held at the request of either side in the Joint Security Area, more commonly known as Panmunjom, in the DMZ. The Armistice Agreement also provides for a joint secretariat to assist MAC in administrative matters. Under the Agreement, each side, UNC and KPA/CPV, appoints a Secretary, an Assistant Secretary and other special assistants, as required, to perform functions assigned by MAC. A key part of this organization is the Joint Duty Office, located in the Joint Security Area, which maintains 24-hour telephone communications between the joint duty officers of each side. The joint duty officers also meet as required and serve as the basic channel of communications between the two opposing sides. There have been 460 plenary sessions of MAC and 508 meetings of MAC Secretaries since the Armistice Agreement was signed. MAC, or the Senior Member of either side, is authorized by paragraph 27 of the Armistice Agreement to dispatch joint observer teams to investigate reported violations of the Armistice Agreement that occur within the DMZ. The KPA/CPV have frustrated this important investigative function by refusing to participate in more

than 170 joint investigations proposed by UNC since April 1967. UNC, however, continues to dispatch its joint observer teams into the UNC portion of the DMZ to conduct unilateral investigations of alleged armistice violations reported to have occurred in the DMZ and to supervise implementation of the Armistice Agreement provisions pertaining to the DMZ. In 1992, UNC dispatched its joint observer teams into the DMZ on more than 80 occasions to carry out these functions and to educate UNC security guards in the DMZ concerning their responsibilities under the Armistice Agreement.

B. Neutral Nations Supervisory Commission

4. The Neutral Nations Supervisory Commission (NNSC), as established in accordance with paragraph 37 of the Armistice Agreement, is composed of four senior officers, two of whom are appointed by "neutral nations" nominated by the Commander-in-Chief, United Nations Command, namely, Sweden and Switzerland, and two of whom are appointed by "neutral nations" nominated by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, Poland and Czechoslovakia. The term "neutral nations" in the Armistice Agreement is defined as nations whose combatant forces did not participate in the Korean War. NNSC's primary function is to conduct independent inspections and investigations of Armistice violations outside the DMZ and to report its findings to the Military Armistice Commission. Although its basic mission and functions were curtailed due to KPA/CPV obstructions and subterfuge that began within a few years after the signing of the Armistice Agreement, NNSC continues to remain an integral part of the Korean Armistice. NNSC provides a useful and stabilizing influence in the Joint Security Area, which is the conference site for the MAC, NNSC and North-South talks. NNSC continues to hold weekly meetings in the Joint Security Area to discuss armistice-related reports submitted by MAC. There have been reports that North Korea intends to ask the Czechoslovakian delegation to withdraw from NNSC since Czechoslovakia split into two separate States on 1 January 1993. These reports have led to the suspicion that North Korea may have an ulterior motive to disband NNSC. UNC has informally registered its strong opposition to the reported North Korean attempts to disassemble NNSC, an integral part of the Korean Armistice, by expelling the Czechoslovakian delegation and refusing the Czech Republic as a successor or nominating another "neutral nation" to succeed Czechoslovakia in accordance with paragraph 37 of the Armistice Agreement. UNC will continue to call upon North Korea to nominate a successor for Czechoslovakia without delay so that NNSC may continue to function without disruption. This process requires that the Democratic People's Republic of Korea nominate a successor and seek UNC agreement in accordance with paragraph 37 of the Armistice Agreement. The Security Council will be kept informed of further developments on this issue in future reports.

C. Role of the Republic of Korea

5. A unique feature of the Armistice Agreement is that no individual nation or Government is a signatory to the Agreement. CINCUNC signed the Armistice Agreement on behalf of UNC, which consists of the military forces from 16 States Members of the United Nations and the Republic of Korea. It is not a political document; it is "purely military in character and pertains solely to the belligerents in Korea". During the Armistice negotiations and afterwards, at the specific request of the KPA/CPV side, the Government of the Republic of Korea, through UNC, furnished assurances that it would abide by the Armistice Agreement. Senior military officers of the Republic of Korea have served regularly as MAC members for the last 39 years. Furthermore, a Republic of

Korea general officer now serves as MAC spokesman (Senior Member), ROK forces now provide all of the UNC "DMZ police" and the Republic of Korea Army is assuming a larger proportional role in the Joint Security Area security force.

III. UNITED NATIONS COMMAND MILITARY ARMISTICE COMMISSION ACTIVITIES

6. Military Armistice Commission meetings are normally called to discuss serious violations of the Armistice Agreement and other significant Armistice Agreement-related issues. These meetings, as well as the 24-hour Joint Duty Office "hotline" between the two sides, serve to prevent further escalation of military tension that may result from incidents and misunderstandings. Charges of armistice violations are passed telephonically through the Joint Duty Office at Panmunjom as a means to resolve violations. The Commission is a proven means for communicating between the opposing military commanders during crisis and is used continuously by both sides.

A. Republic of Korea Senior Member

7. In accordance with paragraph 20 of the Armistice Agreement, CINCUNC appointed Major-General Hwang Won-tak, Republic of Korea Army, as the UNCMAC Senior Member, effective 25 March 1991. The KPA/CPV component of MAC was officially notified of General Hwang's appointment through a joint duty officers meeting held at Panmunjom on 25 March 1991. Acting on instructions from his superiors, the KPA joint duty officer rejected General Hwang's credentials under the pretext that the Republic of Korea is not a signatory to the Armistice Agreement and cannot represent the United Nations Command. UNC has told the KPA/CPV side that paragraph 20 of the Armistice Agreement does not stipulate nationality of MAC members, exclude membership from any particular country, or state which country provides the senior spokesman. Opposing commanders have discretionary authority to appoint their respective representatives to the Commission, and such appointments cannot be subject to review or approval by the other side. In accordance with paragraph 24 of the Armistice Agreement, UNC proposed the 460th MAC plenary meeting for 29 May 1992 to protest a North Korean armed infiltration through the DMZ on 22 May 1992, an action that was in gross violation of the preamble and paragraphs 6, 7, 12 and 14 of the Armistice Agreement. The armed infiltration from the Democratic People's Republic of Korea and attack resulted in the death of three infiltrators from the Democratic People's Republic of Korea and the wounding of two soldiers from the Republic of Korea. The UNCMAC delegation headed by Army Major-General Hwang Won-tak of the Republic of Korea, Senior Member, entered the MAC Conference Room in the Joint Security Area to conduct the plenary meeting on 29 May 1992, as proposed, but the KPA/CPV boycotted the meeting. KPA/CPV failure to attend the MAC plenary meeting, as demonstrated by this occasion, threatens the stability and crisis management procedures established by the Armistice Agreement. Therefore, CINCUNC submitted a special report to the Security Council on 15 June 1992 [S/24467] describing this serious breach of the Armistice Agreement by North Korea. Although formal MAC plenary meetings have not been held since the appointment of a general officer of the Republic of Korea as the UNCMAC Senior Member, the Joint Duty Office "hotline" in the Joint Security Area is used by both sides, and MAC Secretaries continue to meet to discuss and resolve Armistice-related issues. During 1992, one formal MAC Secretaries meeting was held to repatriate the remains of a Republic of Korea victim of drowning. This action was in accordance with the established custom.

B. UNC remains issue

8. In December 1991, KPA MAC officers informally stated that the Democratic People's Republic of Korea had discovered 30 sets of "United States war remains" and that they would repatriate the remains in the near future. The KPA repatriated 15 sets of remains on 13 May 1992 and another 15 sets of remains on 28 May 1992. The discovery and repatriation of these UNC war remains in May 1992 indicates that there may be many more deceased UNC war remains in the Democratic People's Republic of Korea. Therefore, UNC requested that the KPA continue to search for, disinter and repatriate UNC war remains for humanitarian reasons, and entered into discussions seeking to formalize discovery and repatriation procedures.

IV. NORTH-SOUTH RELATIONS

9. The admission of the Democratic People's Republic of Korea and the Republic of Korea in the United Nations in September 1991 has no effect on the status of UNC and does not change its responsibility under the Security Council resolutions of 1950. UNC continues to perform an important role in maintaining peace on the Korean Peninsula, particularly in maintaining the Armistice until it is replaced by a durable peace. The 13 December 1991 Agreement on Reconciliation, Non-Aggression and Cooperation and Exchange (ARNE) between the North and the South, which was put into effect in February 1992, and the "Annex Agreements" to the ARNE, signed in September 1992, clearly stipulate that the existing Armistice Agreement must be maintained until replaced by a durable peace. If fully implemented, the ARNE could lead to tension reduction on the Korean Peninsula. Such an outcome, however, remains dependent on the abilities of both sides to reach agreements on serious issues still blocking the actual implementation of this accord. As of the date of this report none of the implementing measures are operating.

V. CONCLUSION

10. For the past 39 years, UNC has been vital in preventing the escalation of hostilities on the Korean Peninsula. Through the established MAC process UNC has managed and defused thousands of incidents and maintained the central premise of the Armistice Agreement. The DMZ remains one of the most tense and heavily armed borders in the world. As this report is produced, approximately 1.8 million armed soldiers are arrayed along this short strip of land. The value of the Armistice Agreement and the critical nature of UNC remain the best guarantee that the Korean struggle may end peacefully.

APPENDIX

Major incident, the Korean War remains issue and pertinent Armistice Agreement provisions

1. North Korean armed infiltration through the DMZ

Late in the evening of 21 May 1992, three heavily armed North Korean infiltrators crossed the military demarcation line (MDL) into the central sector of the United Nations Command (UNC) portion of the demilitarized zone (DMZ). The following morning, 22 May 1992, UNC security guards challenged the three North Korean armed infiltrators and a firefight occurred. In the ensuing exchange of fire, two North Korean infiltrators were killed and a UNC security guard was wounded. Later, in the afternoon of 22 May 1992, the third North Korean infiltrator was killed in another firefight with UNC security guards. Another UNC security guard was wounded in the second firefight. North Korea violated

paragraphs 6, 7, 12 and 14 of the Armistice Agreement by infiltrating armed intruders and committing hostile acts against UNC security guards in the DMZ. (Note: for further details, see UNC special report to the Security Council dated 15 June 1992 [S/24467].)

2. War remains issue

(a) Paragraph 13 (f) of the Armistice Agreement stipulates, in part, that within a definite time-limit after the Armistice Agreement becomes effective (27 July 1953), graves registration personnel should proceed to the burial places of the deceased military personnel of the opposing side, based on the information provided, and recover and evacuate the Korean War remains. At the 47th MAC meeting held on 17 August 1954, both sides agreed to the "Understanding on Administrative Details for the Delivery and Reception of Bodies of Military Personnel of Both Sides". The "Understanding" on the return of Korean War remains calls for each side to "disinter" and transport the remains to the designated point of exchange in the DMZ. In accordance with this "Understanding" hundreds of Korean War remains were exchanged. This exchange programme was terminated by the agreement of both sides on 30 October 1954 with the exception of its paragraph 20, which stipulates, "in the event that either side discovers in its territory bodies of military personnel belonging to the other side after the termination of this Understanding, the delivery and reception of such bodies shall be arranged through the Secretaries of both sides of the MAC." Each side is, therefore, obligated to return Korean War military remains when they are "discovered" in accordance with paragraph 20 of the "Understanding", which is still valid.

(b) KPA has maintained, over the years, that if and when Korean War remains were "discovered by chance" during construction work or by the work of nature, they will be repatriated through the MAC Secretaries in accordance with paragraph 20 of the "Understanding", but they have no obligation to search for UNC war remains under the mandate of the Armistice Agreement. On the other hand, the UNC has maintained that both sides should work together for humanitarian reasons.

3. Pertinent Armistice Agreement provisions

Paragraph 6: Neither side shall execute any hostile act within, from, or against the demilitarized zone.

Paragraph 7: No person, military or civilian, shall be permitted to cross the military demarcation line unless specifically authorized to do so by the Military Armistice Commission.

Paragraph 12: The Commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval, and air forces, effective twelve (12) hours after this Armistice Agreement is signed. (See paragraph 63 hereof for the effective date and hour of the remaining provisions of this Armistice Agreement.)

Paragraph 14: This Armistice Agreement shall apply to all opposing ground forces under the military control of either side, which ground forces shall respect the demilitarized zone and the area of Korea under the military control of the opposing side.

Paragraph 17: Responsibility for compliance with and enforcement of the terms and provisions of this Armistice Agreement is that of the signatories hereto and their successors in command. The Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to ensure complete compliance with all of the provisions

hereof by all elements of their commands. They shall actively cooperate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement.

Paragraph 20: The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major generals, brigadier generals, colonels, or their equivalents.

Paragraph 24: The general mission of the Military Armistice Commission shall be to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement.

Paragraph 26: The mission of the Joint Observer Teams shall be to assist the Military Armistice Commission in supervising the carrying out of the provisions of this Armistice Agreement pertaining to the demilitarized zone and to the Han River estuary.

Paragraph 27: The Military Armistice Commission, or the senior member of either side thereof, is authorized to dispatch Joint Observer Teams to investigate violations of this Armistice Agreement reported to have occurred in the demilitarized zone or in the Han River estuary, provided, however, that not more than one half of the Joint Observer Teams which have not been dispatched by the Military Armistice Commission may be dispatched at any one time by the Senior Member of either side on the Commission.

Paragraph 37: The Neutral Nations Supervisory Commission shall be composed of four (4) senior officers, two (2) of whom shall be appointed by neutral nations nominated by the Commander-in-Chief, United Nations Command, namely, Sweden and Switzerland, and two (2) of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, Poland and Czechoslovakia. The term "neutral nations" as herein used is defined as those nations whose combatant forces have not participated in the hostilities in Korea. Members appointed to the Commission may be from the armed forces of the appointing nations. Each member shall designate an alternate member to attend those meetings which for any reason the principal member is unable to attend. Such alternate members shall be of the same nationality as their principals. The Neutral Nations Supervisory Commission may take action whenever the number of members present from the neutral nations nominated by one side is equal to the number of members present from the neutral nations nominated by the other side.

Paragraph 61: Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides.

Paragraph 62: The articles and paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides.

DOCUMENT S/25502

Letter dated 25 March 1993 from the Secretary-General to the Governments of all States Members of the United Nations or members of the specialized agencies, containing a further appeal for voluntary contributions for the financing of the United Nations Peace-keeping Force in Cyprus

[Original: English/French/Spanish]

[1 April 1993]

I have the honour to write to you about the critical financial situation of the United Nations Peace-keeping Force in Cyprus (UNFICYP). Receipts continue to fall far short of the Organization's share of expenditures and I have repeatedly expressed my concern about this situation, which is a major preoccupation for the Governments of the troop-contributing countries. It is most unfair that these countries should have to absorb such a disproportionate share of the cost of UNFICYP.

As at mid-March 1993, the accumulated shortfall in the UNFICYP Special Account for the mandate period ending 15 June 1993 is estimated at \$204 million. As regards the current period, only \$1.68 million has so far been pledged or received against projected expenditures estimated at some \$9.5 million (see annex for details of the current financial situation). As a result, the United Nations has been able to meet the claims of troop-contributing countries only up to December 1981. It is clear that this highly unsatisfactory situation must not be allowed to continue.

The vital peace-keeping role of UNFICYP has been unanimously stressed by the Security Council time and again and its mandate has been repeatedly extended by the Council. The Force continues to make an indispensable contribution to maintaining calm on the island, a condition which is clearly necessary for my ongoing efforts to negotiate a political settlement.

Given the essential role played by UNFICYP and the precarious financial situation in which it finds itself, I should be most grateful if you would convey to your Government my urgent appeal for a voluntary financial contribution. It is my hope that your Government will find it possible to respond generously so as to enable this important peace-keeping operation of the United Nations to continue.

(Signed) Boutros BOUTROS-GHALLI

ANNEX

Financing and financial position of the United Nations Peace-keeping Force in Cyprus

In accordance with Security Council resolution 186 (1964) on the establishment of UNFICYP, the costs of the Force are being met by the Governments providing the contingents and by voluntary contributions received for this purpose by the United Nations. In addition, the Government of Cyprus provides, at no cost to the

United Nations, areas for the headquarters, camps and other premises of UNFICYP.

Under existing arrangements, the troop-contributing Governments make available to the United Nations troops whose regular pay and allowances and normal *matériel* expenses they have agreed to pay themselves. In addition, these Governments have agreed to finance at their own expense, as a further contribution to the United Nations operation in Cyprus, certain extra and extraordinary costs that they incur in respect of UNFICYP. The troop-contributing Governments have indicated that these two cost elements currently amount to some \$32.2 million for each six-month period.

The United Nations is responsible for financing entirely through voluntary contributions received from Governments (a) the

operational expenditures (i.e. administrative and logistic support) incurred by UNFICYP and (b) certain extra and extraordinary costs incurred by the troop-contributing Governments for which they seek reimbursement. These expenditures are currently in the order of some \$9.5 million for the six-month period ending 15 June 1993.

Since 1964, 79 countries have provided voluntary financial support to UNFICYP totalling approximately \$481 million. However, the contributions received for each extension period have consistently fallen short of the amount required to meet the direct costs of the Force for which the United Nations is responsible. As a result, the shortfall in the UNFICYP Special Account as at mid-March 1993 for the six-month period ending 15 June 1993 is estimated at \$204 million. The status of contributions received for the last four mandate periods is shown in the attached table.

STATUS OF CONTRIBUTIONS TO THE UNFICYP SPECIAL ACCOUNT FOR THE
LATEST FOUR MANDATE PERIODS AS AT 15 MARCH 1993

(United States dollars equivalent)

Country	Mandate period			
	60th 16/06/91- 15/12/91	61st 16/12/91- 15/06/92	62nd 16/06/92- 15/12/92	63rd 16/12/92- 15/06/93
Australia ^a	49 995	-	-	-
Austria ^{a, b}	125 000	125 000	125 000	-
Belgium	152 927	154 369	154 369	-
Canada ^a	-	-	-	-
Cyprus	500 000	500 000	500 000	500 000
Denmark ^{a, b}	-	-	-	-
Finland ^a	-	-	-	-
France	88 496	-	-	-
Germany	856 360	905 107	905 107	-
Greece	400 000	500 000	500 000	500 000
Iceland	6 134	7 133	7 133	-
Indonesia	-	5 000	5 000	-
Ireland ^a	-	-	-	-
Italy	200 000	200 000	-	-
Japan	200 000	200 000	200 000	-
Liechtenstein	500	-	-	-
Luxembourg	4 677	23 810	23 809	-
Malta	500	456	456	-
Micronesia	-	150	150	-
Norway	305 007	305 000	305 000	-
Pakistan	1 500	1 500	1 500	-
Panama	-	250	250	-
Spain	86 997	95 982	95 982	-
Sweden ^{a, b}	-	-	-	-
Switzerland	1 063 830	1 048 951	1 048 951	680 272
Thailand	500	-	-	-
United Kingdom ^{a, b}	1 433 978	829 854	-	-
United States	4 187 000	4 187 000	-	-
Venezuela	2 491	2 500	2 500	-
Zaire	1 000	-	-	-
TOTAL	9 666 892	9 092 062	3 875 207	1 680 272

^a Governments contributing contingents to UNFICYP.

^b Payment has been made or will be made by means of an offset against amounts due to the Government.

DOCUMENT S/25503*

**Letter dated 31 March 1993 from the representative of
Turkey to the Secretary-General**

*[Original: English]
[1 April 1993]*

I have the honour to attach the text of a statement on Bosnia and Herzegovina made by the Ministry of Foreign Affairs of Turkey on 30 March 1993.

I should be grateful if the present letter and the statement could be circulated as a document of the General Assembly and of the Security Council.

*(Signed) Mustafa AKŞIN
Permanent Representative of Turkey
to the United Nations*

TEXT OF THE STATEMENT

The Vance-Owen plan, designed to achieve a peaceful settlement in Bosnia and Herzegovina, took its final form in the talks in New York. With the signing of the plan by Mr. Alija Izetbegovic, President of the Republic of Bosnia and Herzegovina, on 25 March 1993, two of the three peoples living in Bosnia and Herzegovina have endorsed and signed the plan. At this stage, reaching a peaceful settlement, healing the wounds and restoring order in the country will depend on the acceptance of the plan by the third party.

Turkey considers the acceptance of the peace plan by Bosnia and Herzegovina, a member of the United Nations and a partner in the international community, at a time when the attacks to destroy its existence continue, to be a sound, wise and courageous step which displays its sincere commitment to peaceful approaches and solutions even if the conditions may be onerous. Turkey believes that this generous stance will be appreciated by the international community.

Since the beginning of the war, Turkey has been playing an active role to end the aggression against Bosnia and Herzegovina and to stop the ongoing inhuman practices in that country. Through bilateral and multilateral contacts, Turkey has tried to focus the attention of world public opinion and its constructive activities on the settlement of the problem.

It is now time for the international community and the United Nations to undertake the obligation and the responsibility to implement this plan and turn it into a lasting solution. We agree with the justified elements identified by the President of the Republic of Bosnia and Herzegovina in signing the plan:

- The aggressor side should sign the plan within a reasonable time-frame;
- The international community should undertake effective measures for the enforcement of the plan;
- The aggression should be stopped at once.

If the aggressor side fails to display peaceful conduct, the resolution concerning the no-fly zone should be enforced and heavy weapons threatening civilians should be placed under the control of the United Nations immediately. If these measures fail to produce results, the arms embargo on Bosnia and Herzegovina and Croatia, which has left the civilian people defenceless, should be lifted as a natural step to ensure the exercise of their legitimate right to self-defence as provided for in the Charter of the United Nations.

Bosnia and Herzegovina has been a victim of continuing grave violations of universal principles for many months. The determination which should be displayed by the international community regarding the enforcement of the sanctions imposed on the aggressor must be no different from that shown in the measures taken in other regions by the United Nations. By tackling problems in compliance with legal norms, the international community and international organizations will have ensured their own respectability.

DOCUMENT S/25508

**Letter dated 31 March 1993 from the representative of
Azerbaijan to the Secretary-General**

*[Original: Russian]
[1 April 1993]*

I have the honour to address you on instructions from the President of the Azerbaijani Republic, Mr. A. Elchibey.

In recent days, Armenian armed forces have carried out a large-scale attack on the Kelbadjar district of Azerbaijan with a view to capturing the whole frontier zone of the Azerbaijani Republic bordering on Nagorny-Karabakh.

During the attack, the Armenian side used all kinds of heavy weapons, armoured vehicles and aircraft. Dozens of villages have been destroyed and hundreds of peaceful inhabitants, including women and children, have been killed.

Armenia's plans in the region have thus been revealed - it is attempting the military annexation of almost 20 per cent of the territory of independent Azerbaijan. Until now, the world community has been misled by demagogic arguments about "the struggle of the Armenians of Nagorny-Karabakh for national self-determination". The events of recent days have finally unmasked the Armenian expansionists.

At this difficult time for our country, I appeal to you to use all the authority of the United Nations and your own

* Circulated under the double symbol A/47/918-S/25503.

enormous personal authority to bring about an immediate cease-fire in the region. There is still a possibility of averting the deaths of thousands of people. A delay will lead to such a tragic development of the situation that its consequences for stability in the region cannot be predicted.

I would request you to circulate the present letter as a document of the Security Council.

*(Signed) Hassan HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

DOCUMENT S/25509

Letter dated 31 March 1993 from the representative of Azerbaijan to the President of the Security Council

*[Original: Russian]
[1 April 1993]*

I have the honour to draw your attention to the tragic situation which has developed in the Kelbadjar district of the Azerbaijani Republic as a result of a large-scale attack by the army of the Republic of Armenia. The lives of 60,000 peaceful people are threatened.

The armed forces of Armenia, with their infantry and armoured vehicle units, invaded the territory of the Kelbadjar district of Azerbaijan. By the morning of 31 March they had occupied 12 villages in that district. In addition, some 30 villages and the whole northern part of the Lachin district are at present cut off. Tens of thousands of people were in the area which was encircled. Armenia's forces left no corridor through which the peaceful population could leave.

By 11 a.m. on the morning of 31 March, the advance units of the Armenian army were 16 kilometres from the district centre and, with the support of tanks and armoured personnel carriers, are continuing to move forward along the road towards the town of Kelbadjar, meeting no serious resistance. There is an immediate threat to the whole population of the district, numbering approximately 60,000 people. If the Armenian forces advance a further 2 to 4 kilometres they will cut the only road joining the Kelbadjar and Lachin districts of Azerbaijan to the outside world.

The town of Kelbadjar has for over twenty-four hours been subjected to massive artillery fire from the territory of Armenia. There have been many casualties among the peaceful population of the town, including women, old people and children. In the Azerbaijani villages occupied by the Armenian army - Agdaban, Chagovushan, Charektar, Baglapeya, Vank, Aggaya, Merjimek, Narynjlar, Chyragly, Tazekend, Agiakend, Takhtabashi - eight people have been taken hostage and the fate of dozens of others is unknown.

The Armenian forces are also trying to assume the offensive against the town of Kelbadjar from the Vardenis district of Armenia and are subjecting the frontier villages

and towns of Azerbaijan to constant artillery and mortar fire. They are also using military helicopters and aircraft. Armenia's armed forces are continuing their attack also on the northern part of the neighbouring Lachin district of the Azerbaijani Republic.

The Government of the Azerbaijani Republic calls upon the whole world community to use all the means at its disposal to influence the high-handed aggressor and avert the deaths of tens of thousands of peaceful people in the Kelbadjar and Lachin districts of Azerbaijan.

I would request you to circulate the present letter as a document of the Security Council.

*(Signed) Hassan HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

DOCUMENT S/25510

Letter dated 1 April 1993 from the representative of Armenia to the President of the Security Council

*[Original: English]
[1 April 1993]*

It is with deep concern that I am compelled to inform you of the military developments that have taken place along the border between Nagorny-Karabakh and the Azerbaijani region of Kelbadjar. A letter circulated by Mr. Hassan Hassanov, Azerbaijan's Permanent Representative to the United Nations, presents a version of these events which unfortunately accuses Armenia of carrying out acts of aggression against Azerbaijan. Such accusations by the Government of Azerbaijan come as a real surprise to the Armenian Government.

The facts of these events which began on 23 March are as follows. Azerbaijani regular armed forces launched a massive military offensive aimed at two geographic locations - the region of Mardakert in Nagorny-Karabakh and the humanitarian corridor in Lachin, on the southern border of Nagorny-Karabakh.

The main goal of this offensive was to take control of the Lachin humanitarian corridor, the only route via which humanitarian and medical supplies can be transported to the civilian population in Nagorny-Karabakh. Karabakh Self-Defence Forces were compelled to take decisive countermeasures in response to this offensive to defend their vital interests.

No military forces from the Republic of Armenia took part in any of these actions, but Armenian forces remain on full alert in their positions along the Armenian-Azerbaijan border.

The Azerbaijani military offensive is particularly alarming as it came a few days after the conclusion of the latest round

of peace talks held at Geneva under the auspices of the Conference on Security and Cooperation in Europe (CSCE), where Azerbaijan's delegation took a non-constructive position on the establishment of a cease-fire in the region. The small positive progress that had been achieved earlier at Rome was effectively stalled by the Azerbaijani delegation's action at Geneva.

This political *démarche* that paralleled the failed attempt of the Azerbaijani military offensive to take control over the Lachin corridor and the western part of the Mardakert region leads us to conclude that the authorities at Baku still intend to solve the Karabakh issue through the use of force.

I attach to my letter a statement by the President of Nagorny Karabakh's Defence Committee, Mr. Robert Kotcharian, which gives a detailed report on the military developments in and around Nagorny-Karabakh.

I should once again like to reaffirm my Government's commitment to the peaceful resolution of the Nagorny Karabakh conflict and its full support of the CSCE negotiation process, in which I believe Armenia has played a constructive role.

I should be grateful if you would circulate my letter as well as the attached statement by Mr. Kotcharian as a document of the Security Council.

(Signed) Alexander ARZUMANIAN
Permanent Representative of Armenia
to the United Nations

ANNEX

Statement dated 31 March 1993 by the President of the State Committee of Defence of the Republic of Nagorny-Karabakh

On 27 March 1993, the State Committee of Defence of the Republic of Nagorny-Karabakh ordered the Republic's armed forces to undertake all necessary measures to ensure the defence of the people and borders of Nagorny-Karabakh from the renewed attacks of the Azerbaijani army.

Beginning on 20 March, Azerbaijan had intensified the war against Nagorny-Karabakh, in pursuance of its policy of seeking a military solution to the problem. Azerbaijan had initiated operations on both sides of the Mardakert region as well as of the humanitarian corridor of Lachin, contrary to the spirit of the CSCE [*Conference on Security and Cooperation in Europe*] document agreed upon at Rome on 1 March.

The army of Nagorny-Karabakh, acting in legitimate self-defence, has repelled the aggressors from its borders and must ensure that the Azerbaijani army may not cause further devastation on the western borders of our Republic.

The State Committee of Defence has been informed by its field commanders that the Azerbaijani army has retreated from the area following an initial attempt to resist and that the area was largely uninhabited by civilians. The Nagorny-Karabakh army is under

strict orders to protect the lives of any civilians still in the area and to provide safe passage for those who wish to leave.

Field commanders have also reported that much of the household goods looted from Mardakert villages by Azerbaijanis during their occupation of northern Nagorny-Karabakh last year has been discovered in this area.

The Republic of Nagorny-Karabakh regrets this new escalation in the fighting and places full responsibility on Azerbaijan, which has rejected the path of a negotiated solution and which has managed to lead to an impasse every effort for a cease-fire currently within the framework of CSCE.

The authorities of Nagorny-Karabakh place the security of the people above all other considerations and welcome any steps that may bring about an immediate and unconditional cease-fire which does not endanger the safety and lives of the people of the Republic.

(Signed) Robert KOTCHARIAN
President
State Committee of Defence
Republic of Nagorny-Karabakh

DOCUMENT S/25511*

Letter dated 1 April 1993 from the observer of Palestine to the Secretary-General

[Original: English]
[1 April 1993]

Pursuant to my recent letters on the dangerous and deteriorating situation in the occupied Palestinian territory, including Jerusalem, I would like to bring to your attention the fact that the repressive policies and practices of Israel, the occupying Power, against the Palestinian people are continuing and escalating. Recently, these policies and practices took on additional dimensions when, on 30 March 1993, the Israeli Government declared several new repressive measures, namely the sealing off of all the occupied territory, except Arab Jerusalem, which effectively divided the West Bank into two separate, isolated parts; the increasing of the number and activities of the armed forces in the occupied territory; and the changing of open-fire regulations for Israeli soldiers against Palestinian civilians.

During the month of March alone, the number of Palestinian casualties at the hands of the Israeli army and the armed colonial settlers have amounted to 28 Palestinian civilians killed, including 11 children under 16 years of age, and more than 800 injured. In addition, other Israeli practices, which frequently constitute collective punishment, have continued unabated, such as the destruction of homes through the use of anti-tank missiles, deportation, imposition of curfews, administrative detention, the uprooting of trees and crops, and so on.

*Circulated under the double symbol A/47/919-S/25511

The recent Israeli measure of closing the occupied territory gives us another example of the configuration of the Israeli positions. On the one hand, Israel wants to punish the Palestinian people, even if that means de facto recognition of the distinct and separate nature of the Palestinian territory. Yet, on the other hand, Israel continues to refuse to recognize the Palestinian territory as an occupied one or even to admit that it is not an Israeli land.

I would like also to refer to the letter of the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General, dated 29 March 1993 [S/25485], which is another example of the Israeli attitude undermining the efforts of several parties who have been seeking to limit the negative effects on the current peace process of the Israeli policies and practices against our people.

It is hard to believe the extent of the inconsideration of that letter and the attempts made to twist the facts of the situation and, more importantly, to disregard the real reasons behind the dangerous situation prevailing today. Unfortunately, the letter reflects the official Israeli policy, which is insistent upon not recognizing the Israeli occupation itself, and its continuity for 26 years, as the underlying cause of the prevailing situation in the Palestinian territory. This policy is also insistent upon not recognizing that the "Israeli citizens" present in the occupied Palestinian territory are in fact colonial settlers brought there by the Israeli authorities in flagrant violation of the Fourth Geneva Convention¹ and against numerous resolutions of the Security Council as well as resolutions of other United Nations organs. It is also insistent upon not admitting the effect of the organized Israeli actions and practices, which have been continuously condemned by the international community, and which have resulted in destroying the Palestinian economic and social structures and preventing the Palestinian people from exercising their national rights.

There is no normal human being who would not regret the bloodshed of any civilian, whether Arab, Jewish or any other civilian caught in the midst of a conflict. However, it is only racist thinking that can lead to blaming the victim and to labelling the occupied as "terrorist" when he or she is merely reacting to the occupier's policies and practices or when he or she resists the occupation.

For our part, we have tried in our past letters to avoid personal accusations and distasteful name-calling in spite of the vast amount of offensive positions expressed by several Israeli officials, including the Prime Minister of Israel, Mr. Rabin, expressing his wish "to see Gaza drown into the sea", and including members of the parliament such as Mr. Shamir and Mr. Eitan calling for the killing of any Palestinian who may think of killing any Jew, even after that Palestinian is apprehended. Those calls were effectively heeded when colonial settlers from the Sussiah settlement near Al-Khalil caught, on 23 March 1993, a 19-year-old youth from Yatah, Jawad Jamil Hoshia, bound his hands, tortured him for some time, and then shot him in the head.

In spite of the above-mentioned harsh realities, the official Palestinian policy remains unchanged, both with regard to the criteria of the *intifadah* of the Palestinian people against the Israeli occupation and with regard to the Palestinian commitment to the current peace process, to which we have made a lot of contributions in an effort to see it succeed. At the same time, we have made it clear that the Israeli policies and practices against our people, including the deportation by Israel of more than 400 Palestinian civilians on 17 December 1992, Israeli non-compliance with Security Council resolution 799 (1992) of 18 December 1992, and the continuous repression of our people under occupation, seriously undermine the prospects of the peace process. We believe that these represent serious obstacles that must be removed for the peace process to resume and succeed.

At the same time, we repeat our call for the international community, and specifically the Security Council, to shoulder its responsibility and to provide protection for the Palestinian people, in accordance with Security Council resolution 681 (1990) of 20 December 1990. In this regard, we refer to the request made on 22 March 1993 by the Chairman of the Arab Group for the month of March, on behalf of the Group, for the Security Council to meet in order to consider the "serious situation in the occupied Palestinian territories, including Jerusalem" [see S/25460].

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the General Assembly and of the Security Council.

(Signed) Nasser AL-KIDWA
Permanent Observer of Palestine
to the United Nations

DOCUMENT S/25513*

Letter dated 31 March 1993 from the representative of
Croatia to the Secretary-General

[Original: English]
[2 April 1993]

I have the honour to refer to the letter by Mr. Dragomir Djokić, Chargé d'affaires a.i. of the Permanent Mission of a country provisionally referred to as the "Federal Republic of Yugoslavia (Serbia and Montenegro)"² - addressed to you, and enclosing a letter from the Federal Minister for Foreign Affairs of the "Federal Republic of Yugoslavia (Serbia and Montenegro)", Mr. Vladislav Jovanović.

Mr. Jovanović, while aiming to clarify the position of his Government concerning the scale of assessments determining the contributions of his country to the United Nations budget, gives some ill-founded and misleading information with regard to the continuity of the international personality from the former Socialist Federal Republic of Yugoslavia (SFRY)

* Circulated under the double symbol A/47/931-S/25513

to the "Federal Republic of Yugoslavia (Serbia and Montenegro)".

In his letter, Mr. Jovanović underlines that "the Federal Republic of Yugoslavia as a Member of the United Nations, continuing the personality of the Socialist Federal Republic of Yugoslavia under international law ... will continue to fulfil its obligations under the United Nations Charter and the decisions of the respective United Nations bodies".

There can be no dispute with regard to the present status of the membership of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in the United Nations. The General Assembly, by its resolution 47/1 of 22 September 1992, decided that "the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations" (para. 1 of the resolution). Since a Member of the Organization would not be asked by the same Organization that it should apply for membership, it can only be concluded that the entity in question is presently not a Member. However, owing to other circumstances, the representatives of the "Federal Republic of Yugoslavia (Serbia and Montenegro)" are still participating in the work of the Security Council and they have not yet been denied access to Headquarters premises.

Furthermore, by implying that the "Federal Republic of Yugoslavia (Serbia and Montenegro)" is a sole successor of the former SFRY and by stating that it is the continuation of its international personality, Mr. Jovanović is omitting the existence of both General Assembly resolution 47/1 and Security Council resolution 777 (1992) of 19 September 1992, which consider "that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations".

Had the international community deemed it possible and legally founded, it would undoubtedly grant the "Federal Republic of Yugoslavia (Serbia and Montenegro)" the right to succeed the former SFRY to the extent determined by international law. On the contrary, the international community has recognized that the former common State has disintegrated and "ceased to exist", and that there are several successor States to it.

That was reiterated in the views of the representatives of the States members of the Security Council in the explanations of vote when adopting resolution 777 (1992). The representative of the United States of America stated that fact most clearly when he expressed the view that for the first time the United Nations was facing the dissolution of one of its Members without agreement by the successor States on the status of the original United Nations seat. Furthermore, he emphasized that none of the former republics of the former Yugoslavia was so clearly a predominant portion of the original State as to be entitled to be treated as the continuation of that State; therefore the United States could not accept Serbia/Montenegro's claim to the former Yugoslavia's seat.

The dissolution of the former SFRY resulted in five new sovereign States; some of them are Members of the United Nations, and some of them not as yet. There is not and there cannot be any sole successor to that former State's international personality.

I would ask for your kind assistance in circulating the present letter as a document of the General Assembly and of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

DOCUMENT S/25514

Report of the Secretary-General on the United Nations Iraq-Kuwait Observation Mission for the period 1 October 1992 to 31 March 1993

[Original: English]
[2 April 1993]

INTRODUCTION

1. By paragraph 5 of its resolution 687 (1991) of 3 April 1991, the Security Council established a demilitarized zone (DMZ) along the Iraq-Kuwait border and decided to set up an observer unit with the following tasks: to monitor the Khawr Abd Allah waterway and the DMZ; to deter violations of the boundary through its presence in and surveillance of the DMZ, and to observe any hostile or potentially hostile action mounted from the territory of one State into the other. By its resolution 689 (1991) of 9 April 1991, the Security Council approved the report of the Secretary-General on the implementation of the above provisions [S/22454 and Add. 1-3], noted that the decision to set up the observer unit had been taken in paragraph 5 of resolution 687 (1991) and that the unit could be terminated only by a decision of the Council; and decided to review the question of termination or continuation as well as the modalities of the United Nations Iraq-Kuwait Observation Mission (UNIKOM) every six months. The Security Council last reviewed this matter on 9 October 1992 [S/24649] and concurred with my recommendation [S/24615, para. 27] that UNIKOM be maintained for a further six-month period. The purpose of the present report is to provide the Security Council, prior to its forthcoming review, with an overview of UNIKOM's activities during the last six months.

1. ORGANIZATION OF UNIKOM

2. As of March 1993, the composition of UNIKOM was as follows:

<i>Military observers</i>	
Argentina	7
Austria	7
Bangladesh	7

Canada	1
China	15
Denmark	6
Fiji	6
Finland	6
France	15
Ghana	6
Greece	6
Hungary	6
India	6
Indonesia	6
Ireland	6
Italy	6
Kenya	6
Malaysia	6
Nigeria	7
Norway	8
Pakistan	7
Poland	6
Romania	6
Russian Federation	15
Senegal	7
Singapore	7
Sweden	6
Thailand	7
Turkey	6
United Kingdom	15
Uruguay	6
United States of America	14
Venezuela	<u>6</u>
Total	247 ^a

Administrative and logistic units

Logistics (Denmark)	45
Medical (Norway)	20
Total	65
Total military personnel	<u>312</u>

^a The authorized strength of the military observers is 300, of whom 53 are on stand-by in their countries.

UNIKOM also has 188 civilian staff, of whom 80 are recruited internationally and 108 locally.

3. Major-General T. K. Dibuama (Ghana) continues as Chief Military Observer.

4. The Government of Canada withdrew its engineer unit at the end of March, and I have accepted Argentina's offer to replace it.

5. The Government of Chile withdrew its helicopter unit at the end of October 1992. It was replaced by a civilian unit, under contract to UNIKOM, which provides three helicopters. UNIKOM also has two small fixed-wing aircraft contributed by the Government of Switzerland at no cost to the Organization and it has the use of a chartered aircraft for the transport of personnel and equipment between Baghdad and Kuwait.

6. During the period under review, the Canadian engineers disposed of 10,000 pieces of ordnance, constructed 3,000 metres of security fencing around UNIKOM headquarters and Camp Khor, constructed two new airstrips and maintained 1,500 kilometres of existing patrol routes. They also assisted the United Nations Iraq-Kuwait Boundary Demarcation Commission by clearing and constructing roads into 106 border pillar points, enabling the surveyors and contractors to work in safe areas, and by assisting with the transportation and the emplacement of the border pillars. In preparation for the arrival of the reinforcement infantry battalion, its intended campsite, approximately 3 square kilometres, was cleared and levelled. Also, durable observation towers were erected at all patrol/observation bases.

7. The Danish logistic unit continued to carry out vehicle maintenance, supply and security tasks, the latter mainly for the headquarters facilities at Umm Qasr and Camp Khor and for the logistic base at Doha.

8. The Norwegian medical unit maintained a sick-bay facility at Umm Qasr, serving the headquarters and the northern sector, and first aid posts at the central and southern sector headquarters. The unit also provided emergency assistance to civilians injured by exploding ordnance.

II. STRENGTHENING OF UNIKOM

9. Following a series of incidents in January (see paras. 18-24 below), the Security Council, on 5 February 1993, adopted resolution 806 (1993), by which it approved my report of 18 January 1993 [S/25123] and extended UNIKOM's terms of reference to include the capacity to take physical action to prevent or redress:

(a) Small-scale violations of the DMZ;

(b) Violations of the boundary between Iraq and Kuwait, for example by civilians or police;

(c) Problems that might arise from the presence of Iraqi installations and Iraqi citizens and their assets in the DMZ on the Kuwaiti side of the newly demarcated boundary.

10. In my report of 18 January I had suggested that in order to carry out these tasks, UNIKOM's unarmed military observers should be replaced by three mechanized infantry battalions with appropriate support elements. In approving my report, the Security Council requested me to execute a phased deployment of the strengthening of UNIKOM, taking into account the need for economy and other relevant factors, and to report to the Council on any step I intend to take following the initial deployment. After consulting with members of the Council, I plan in the first phase to retain the military observers and to reinforce them by one mechanized infantry battalion to be deployed in the northern sector of the DMZ, which includes the towns of Umm Qasr and Safwan. UNIKOM's logistic support elements will be reinforced slightly, that is, the Danish logistic unit will be brought up to 50, the incoming engineer unit will also comprise 50, and the medical unit is to be raised to 35, all ranks.

III. CONCEPT OF OPERATIONS

11. The DMZ is about 200 kilometres long, to which must be added the Khawr'Abd Allah waterway, with a length of about 40 kilometres. For the most part, the DMZ is barren and almost uninhabited, except for the towns of Umm Qasr and Safwan. There are airfields at Safwan and Umm Qasr and a port at Umm Qasr.

12. The boundaries of the DMZ, which extends 10 kilometres into Iraq and 5 kilometres into Kuwait, have been adjusted to align them with the international border as demarcated by the United Nations Iraq-Kuwait Boundary Demarcation Commission. The boundaries of the DMZ have been marked at 1-kilometre intervals and at major entry points; in addition, a road has been constructed along their entire length. The DMZ is now clearly identifiable on both sides.

13. UNIKOM remained deployed in the DMZ as outlined in previous reports (see annexed map). For operational purposes it has divided the DMZ into three sectors. At the end of February 1993, the sectors were slightly adjusted so that there are now seven patrol/observation bases in the northern sector, six in the central sector, and five in the southern sector. The northern sector has thus been strengthened in response to operational requirements.

14. UNIKOM's concept of operations is based on a combination of patrol/observation bases, observation points, ground and air patrols, investigation teams and liaison with the parties at all levels. UNIKOM employs surveillance aids, which include maritime radar for the Khawr'Abd Allah, night vision devices, high-powered binoculars and video cameras. In addition, UNIKOM uses the Global Positioning System for the accurate determination of locations in the terrain.

15. UNIKOM has liaison offices at Baghdad and Kuwait City, and the Chief Military Observer and other senior staff of UNIKOM have maintained regular contacts with the authorities in both capitals. At the local level, liaison continued with the police on both sides, particularly with

regard to civilian activity in the DMZ. These contacts have been useful in dealing with complaints and facilitating UNIKOM's operations.

IV. SITUATION IN THE DMZ

16. During the first part of the reporting period, the situation in the DMZ was generally calm. However, considerable tension arose at the beginning of the year as a result of Iraqi activities at Umm Qasr.

17. In the summer of 1991, the Iraqi authorities had begun to retrieve equipment and other items from the former Iraqi naval base at Umm Qasr under arrangements made by UNIKOM in consultation with the Iraqi and Kuwaiti authorities, since the naval base is within 1,000 metres of the boundary line then shown on UNIKOM's map. UNIKOM monitored this activity and, in cooperation with the United Nations Coordinator for the Return of Property from Iraq to Kuwait, satisfied itself about the ownership of the items involved. Towards the end of last year, as the work of the United Nations Iraq-Kuwait Boundary Demarcation Commission progressed, it became known that the newly demarcated boundary placed the naval base on Kuwaiti territory. Although the demarcation had not yet been completed formally, UNIKOM alerted the Iraqi authorities on 24 December 1992 that the retrieval of items on the Kuwaiti side of the newly demarcated boundary would have to come to an end and requested that all such activity cease by 15 January 1993. The Iraqi authorities accepted this deadline. UNIKOM kept the Kuwaiti authorities informed of these exchanges.

18. On 2 January 1993, some 250 Iraqis entered the former naval base at Umm Qasr to retrieve Iraqi property, including prefabricated buildings, fences, street lamps and other items. The Iraqi personnel came with various military vehicles and about half of them wore military uniforms. This was a serious violation of the DMZ, which was immediately and vigorously protested.

19. Iraqi personnel, in civilian clothes and without military vehicles, continued to retrieve property from the former naval base during the first days of January. On 8 January, the President of the Security Council wrote the Secretary-General that the Council's members considered that the removal of the Iraqi property and assets from Kuwaiti territory should be undertaken only after prior clearance by UNIKOM and by the Kuwaiti authorities through UNIKOM and should be completed by 15 January 1993. In the same letter, the President of the Security Council expressed the concern of the members of the Council about the continued presence of six Iraqi police posts on Kuwaiti territory and the members' insistence on those posts' speedy removal, by 15 January at the latest [S/25085, annex I]. The Iraqi authorities were informed of this letter both at Headquarters and in the field.

20. Further, on 8 January, the Iraqi authorities informed UNIKOM, and separately the United Nations Special Commission, that the United Nations would no longer be

permitted to use its own aircraft in Iraq. On 8 January, the President of the Security Council made a statement on behalf of the Council, demanding that the Government of Iraq abide by its obligations under all relevant resolutions of the Security Council and cooperate with the United Nations bodies and, in particular, not interfere with United Nations flights [S/25087].

21. In the morning of 10 January, some 200 Iraqi personnel with trucks and heavy loading equipment forced entry into six ammunition bunkers located in the former naval base, on Kuwaiti territory, and took away most of their contents, which the Security Council had previously ordered destroyed [see S/25085, annex III]. I described these and related developments in my special report of 10 January 1993 [S/25085]. On 11 January, the President of the Security

Council made a statement on behalf of the Council [S/25091].

22. Iraqi retrieval of property from Kuwaiti territory ended on 13 January and on 17 and 18 January the six Iraqi police posts located on Kuwaiti territory were withdrawn [S/25085/Add.1]. Since then, the situation in the area has again been generally calm.

23. Apart from the events described above, UNIKOM observed three types of violations of the DMZ: minor incursions by military personnel on the ground, often inadvertently; overflights by military aircraft, most of which were unidentified; and violations involving the carrying and firing of weapons other than sidearms, the majority of which were committed by policemen. The following table summarizes the violations observed by UNIKOM:

	Iraq				Kuwait			
	Ground	Air	Weapon	Total	Ground	Air	Weapon	Total
1-31 Oct.	1	0	2	3	1	0	2	3
1-30 Nov.	1	0	0	1	0	1	0	1
1-31 Dec.	0	0	1	1	1	1	7	9
1-31 Jan.	2	0	2	4	0	0	14	14
1-28 Feb.	0	0	1	1	0	0	4	4
1-31 Mar.	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>4</u>	<u>4</u>
Total	<u>4</u>	<u>1</u>	<u>6</u>	<u>11</u>	<u>2</u>	<u>2</u>	<u>31</u>	<u>35</u>

	Member States cooperating with Kuwait				Unidentified Member States			
	Ground	Air	Weapon	Total	Ground	Air	Weapon	Total
1-31 Oct.	0	1	0	1	1	8	0	9
1-30 Nov.	0	5	0	5	1	5	0	6
1-31 Dec.	0	0	0	0	0	3	1	4
1-31 Jan.	1	0	0	1	0	8	0	8

1-28 Feb.	0	0	0	0	0	0	0	0
1-31 Mar.	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>2</u>
Total	<u>1</u>	<u>6</u>	<u>0</u>	<u>7</u>	<u>2</u>	<u>26</u>	<u>1</u>	<u>29</u>

UNIKOM raised these violations with the party concerned, with a view to having action taken to prevent a recurrence.

24. During the reporting period, UNIKOM received 27 written complaints from Iraq and 46 from Kuwait. UNIKOM investigated each complaint and conveyed its findings to the parties concerned. Many of the complaints concerned alleged firing at police posts close to the border. UNIKOM's investigation teams have repeatedly seen at these posts rifles and machine-guns, which are prohibited in the DMZ. Increasingly, the police on both sides have denied UNIKOM access to their posts, apparently to prevent them from noticing these weapons.

25. As will be recalled, UNIKOM, with the agreement of both parties, has established 1,000 metres as a reasonable distance to be maintained from the border. UNIKOM requires that it be informed in advance and monitors closely activities within the 1,000-metre zone in order to prevent incidents. The persistent complaints about firing from police posts underline the continuing validity of this rule. At present, 13 Iraqi facilities of various kinds (customs posts, police posts and control points) and two Kuwaiti police posts are closer to the border than 1,000 metres. Seven of the Iraqi posts are in the towns of Safwan and Umm Qasr, which extend right up to the border and where a presence is required for the maintenance of law and order and to control border crossings. Major-General Dibuma, on my instructions, is in touch with the authorities concerned, with a view to reducing the presence in the 1,000-metre zone to the minimum necessary to perform these functions.

26. Most of the complaints pertain to areas where, as a result of the boundary demarcation, Iraqi citizens and assets have been found to be on the Kuwaiti side of the boundary, including the oil-well heads at Ratqah, the farms in the Safwan area, and some assets at Umm Qasr. I am in touch with the Governments of Iraq and Kuwait with a view to having these issues settled in a reasonable way. In the meantime, UNIKOM patrols these sensitive areas by day and by night.

27. During the first part of the reporting period, as an expression of discontent with the impending border demarcation, there was some local agitation and harassment of UNIKOM staff at Umm Qasr. People threw rocks and other objects at passing UNIKOM vehicles, attempted to impede UNIKOM vehicles, inquired after certain nationalities, and refused to sell produce to UNIKOM personnel. These incidents have ceased.

28. UNIKOM continued to provide technical support to other United Nations missions in Iraq and Kuwait. In particular, it assisted the United Nations Iraq-Kuwait Boundary Demarcation Commission with air and ground transport, accommodation, communications and engineer support. Support in the form of accommodation and escorts was also provided to the United Nations Coordinator for the Return of Property from Iraq to Kuwait. UNIKOM continued to provide movement control in respect of all United Nations aircraft operating in the area.

V. FINANCIAL ASPECTS

29. By its resolution 47/208 A of 22 December 1992, the General Assembly authorized the Secretary-General to enter into commitments for the operation of UNIKOM, subject to the review by the Security Council of the mandate of the Mission in respect of the period beyond 8 April 1993, at a rate not to exceed \$3.3 million gross (\$3.1 million net) per month for the period from 1 May to 31 October 1993. This authorization is subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions.

30. Present indications are that the cost of maintaining UNIKOM during the extension period, including the strengthening of the Mission, may exceed the level of commitment authorized by the Assembly in its resolution 47/208 A. In such event, the Secretary-General will report to the Advisory Committee and the General Assembly on the additional requirements needed for the maintenance of the Mission.

VI. OBSERVATIONS

31. During the last six months, UNIKOM's area of operations has, for the most part, been calm. In January, however, Iraqi actions created a serious situation. UNIKOM reacted promptly to these actions and made strong representations to the Iraqi military authorities. Based on UNIKOM's reports, such representations were also made at Headquarters in New York. The Security Council was directly involved in these efforts. It is regrettable that Iraq did not respond positively to those *démarches* until Member States had credibly threatened, and then used, force.

32. The events of January have demonstrated the value of the United Nations presence on the border between Iraq and Kuwait as well as the need that it continue. I therefore recommend to the Security Council that it maintain UNIKOM for a further six-month period.

33. I have outlined in paragraph 10 above my plans for the strengthening of UNIKOM in accordance with Security Council resolution 806 (1993). I regret that I cannot report more progress in this matter. However, owing apparently to the increase in commitments to United Nations peace-keeping operations in general, it has not been possible so far to identify a Member State which is in a position to provide the mechanized infantry battalion to be deployed in the first phase. I hope to be able to revert to the Council on this matter in the near future.

34. UNIKOM will continue to depend on the cooperation of the Governments of Iraq and Kuwait in order to carry out the tasks entrusted to it by the Security Council. In this connection, it will be of particular importance in the coming months that both sides exercise the necessary measure of restraint in order to prevent friction along the border so that outstanding issues such as those referred to in paragraph 26 above may be resolved reasonably.

35. In conclusion, I wish to pay a tribute to the Chief Military Observer and to the men and women under his command for the manner in which they have carried out their difficult task. Their discipline and bearing have been of a high order, reflecting credit on themselves, on their countries and on the United Nations.

ANNEX

[Map. "UNIKOM deployment as of April 1993". See end of volume.]

DOCUMENT S/25515

Letter dated 1 April 1993 from the representatives of the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the President of the Security Council

[Original: English]
[2 April 1993]

We have the honour to bring to your attention the text of the statement on the Democratic People's Republic of Korea issued on 1 April 1993 by the depositary Governments of the Treaty on the Non-Proliferation of Nuclear Weapons.

We should be most grateful if you would have the text of the present letter and the statement circulated as a document of the Security Council.

(Signed)

Yuliy VORONTSOV
Permanent Representative
of the Russian Federation
to the United Nations

(Signed)

Edward WALKER
Deputy Permanent
Representative of the
United States of America
to the United Nations

(Signed)

Sir David HANNAY, KCMG
Permanent Representative
of the United Kingdom of Great
Britain and Northern Ireland
to the United Nations

TEXT OF THE STATEMENT

The Governments of the Russian Federation, United Kingdom of Great Britain and Northern Ireland and the United States of America, which are the depositary Governments of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), wish to issue the following statement:

"We express regret and concern at the announcement by the Democratic People's Republic of Korea (DPRK) of its intention to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

"Since the NPT is an essential element of international peace and security, DPRK withdrawal from the NPT would constitute a serious threat to regional and international stability.

"We question whether the DPRK's stated reasons for withdrawing from the Treaty constitute extraordinary events relating to the subject-matter of the Treaty. In this regard, we recall that nuclear-related security assurances have been provided to the DPRK as a non-nuclear-weapon State party to the NPT.

"Remaining a party to the Treaty and complying fully with its terms would be in the DPRK's interests. It would help to reassure the international community about the nature of the DPRK's nuclear programme and the DPRK's desire for positive international relations, including peaceful nuclear cooperation.

"Moreover, DPRK withdrawal from the NPT would jeopardize stability on the Korean peninsula, which has improved in recent years, and undermine efforts to implement the North-South Joint Declaration on Denuclearization of the Korean Peninsula.

"We urge the DPRK to retract its announcement and to comply fully with its Treaty commitments and its safeguards obligations, which remain in force. In this respect, we strongly support the efforts of the International Atomic Energy Agency to implement its safeguards agreement with the DPRK."

The three Governments call upon all NPT parties to associate themselves with this statement and to urge the DPRK to reconsider its position and to fulfil its commitment under the Treaty.

1 April 1993

**Letter dated 2 April 1993 from the Secretary-General
to the President of the Security Council**

*[Original: English]
[2 April 1993]*

I have the honour to refer to my letter of 7 January 1993 [S/25078] in which I reported to the members of the Security Council on the latest developments relating to the implementation of the provisions of the Peace Agreement reached between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional concerning the purification of the armed forces [S/23501, annex, chap. I, sect. III].

In that letter I stated that I had asked President Cristiani to take early action to regularize the position of 15 officers in respect of whom the recommendations of the Ad Hoc Commission on the purification of the armed forces had not yet been implemented. I have since raised this matter on a number of occasions with President Cristiani.

On 31 March 1993 I had a visit from Mr. Oscar Santamaria, Minister of the Presidency of El Salvador, who had been sent by President Cristiani to New York to communicate to me the President's plan for regularizing the position of the 15 officers concerned. The following day my comments were communicated to President Cristiani who thereupon revised the plan. It now provides that all the officers concerned will, by 30 June 1993 at the latest, have been placed on leave with pay pending completion of the procedures for their retirement which will take place no later than 31 December 1993. While on leave with pay they will not perform any official functions.

I have again concluded that this arrangement would, when implemented, bring the Government into broad compliance with the Ad Hoc Commission's recommendations, though I regret that this will not occur until a date several months later than that foreseen in the Peace Agreement. However, I look forward to being able to confirm to the Security Council, shortly after 30 June 1993, that all the recommendations have finally been put into effect.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

DOCUMENT S/25517

**Letter dated 2 April 1993 from the Secretary-General
to the President of the Security Council**

*[Original: English]
[2 April 1993]*

Further to my letter of 18 March 1993 and the statement issued by the President on behalf of the members of the

Security Council dated 26 March 1993 [S/25478], I am pleased to report to you and your colleagues in the Council about the outcome of my meetings with the leaders of the two communities in Cyprus.

As the members of the Council are aware, the two leaders had accepted my invitation to meet with me in New York on Tuesday, 30 March to discuss the timing, modalities and preparation for the resumption of substantive negotiations as mandated by the Security Council. I met separately with the two leaders on Tuesday morning. This was followed by a joint meeting on Tuesday afternoon. At the conclusion of that meeting my spokesperson issued a statement on the outcome of the joint meeting (see attached copy). I also hosted a working luncheon for the two leaders on Wednesday, 31 March.

I am pleased to inform you that the two leaders agreed to resume the joint negotiations on Monday, 24 May at Headquarters using the Set of Ideas for the purpose of reaching freely a mutually acceptable overall framework agreement. Furthermore, they agreed that the joint negotiations beginning on 24 May will be preceded by a preparatory process in which my representatives will meet with them at Nicosia to clarify and address the concerns of the two leaders related to the Set of Ideas with a view to facilitating progress at the resumed joint negotiations, as well as to discuss the implementation of confidence-building measures with a view to creating a new climate of confidence which will contribute to the success of the negotiating process.

I wish to assure you and the members of the Council that I will make every effort to move this process forward. In this connection, I emphasized to both leaders the expectation of the members of the Council that the resumed joint negotiations will result in significant progress, as well as their determination to remain seized of the Cyprus question on an ongoing basis and to lend their active support to my efforts.

(Signed) Boutros BOUTROS-GHALI

**ANNEX
Press release**

**THE SECRETARY-GENERAL MEETS WITH THE LEADERS
OF THE TWO COMMUNITIES IN CYPRUS**

The Secretary-General met jointly today with the leaders of the two communities in Cyprus at Headquarters. The purpose of the meeting was to discuss the timing, modalities and preparations for the resumption of substantive direct negotiations as specifically mandated by the Security Council.

The two leaders reaffirmed their commitment to cooperate with the Secretary-General in the context of his mission of good offices. They expressed their willingness to resume the joint negotiations on Monday, 24 May 1993 at Headquarters using the Set of Ideas for the purpose of reaching freely a mutually acceptable overall framework agreement.

The joint negotiations will be preceded by a preparatory process in which the representatives of the Secretary-General will meet at

Nicosia with the leaders of the two communities. The object of this preparatory process will be to clarify the specific concerns of the two leaders relating to the draft overall framework agreement contained in the Set of Ideas and to address those concerns with a view to facilitating progress at the resumed joint negotiations in New York. They will also discuss the implementation of confidence-building measures with a view to creating a new climate of confidence which will contribute to the success of the negotiating process.

The Secretary-General has welcomed the declared intentions of the two leaders to meet privately from time to time and to hold meetings with the heads of the political parties from both sides in parallel with the negotiations under his mission of good offices. He believes that such encounters can help overcome long-standing mutual distrust and can contribute to the success of both the preparatory process and the joint negotiations.

30 March 1993

DOCUMENT S/25518

Report of the Secretary-General on the United Nations Operation in Mozambique

*[Original: English]
[2 April 1993]*

INTRODUCTION

1. After considering my report of 3 December 1992 [S/24892], the Security Council by its resolution 797 (1992) of 16 December 1992 established the United Nations Operation in Mozambique (ONUMOZ). The present report is in response to paragraphs 6 and 10 of that resolution, in which I was requested to keep the Council informed of developments, particularly of the timetable for the electoral process, and to submit a further report by 31 March 1993.

2. The specific mandate of ONUMOZ, as set out in paragraph 18 of my report of 3 December 1992 and approved by the Security Council in paragraph 1 of resolution 797 (1992), consists of four distinct but closely related sets of objectives: political, military, electoral and humanitarian. There has been progress in each of these areas, although not always rapidly enough for the demands of the situation.

1. DEPLOYMENT OF THE MILITARY COMPONENT OF THE OPERATION

3. The operational plan for ONUMOZ contained in my previous report to the Security Council provided for verification of cease-fire arrangements and other military aspects of the peace process in Mozambique to be carried out mainly by teams of United Nations military observers. These would work with, but remain separate from, the monitoring groups composed of representatives of the two Mozambican parties at each location. The General Peace Agreement for Mozambique [S/24635, *annex*] also required that the withdrawal of foreign troops begin upon the entry into force of the cease-fire. The Security Council approved my recommendation that ONUMOZ assume transitional

responsibility for security in corridors in order to protect humanitarian convoys using them, until the formation of the Mozambican unified army. The ONUMOZ military component will need to have, in particular, five logistically self-sufficient units to carry out this responsibility.

4. Following the adoption of resolution 797 (1992), there was considerable debate in Mozambique on what it would mean to have United Nations troops present in the country, and especially about the effect on national sovereignty. It was clear that time was needed to overcome uncertainties and resolve disagreements. This also resulted in considerable delay in the approval by both parties of the initial list of troop-contributing countries.

5. Furthermore, Mr. Dhlakama, the President of the Resistência Nacional Moçambicana (RENAMO) wrote me on 7 January 1993 to say that he could not agree to the cantonment and demobilization of RENAMO troops until at least a substantial number of United Nations troops were deployed. He views their presence in certain RENAMO areas as a guarantee that another party could not take advantage of the demobilization of RENAMO forces. This interpretation of the United Nations military contingents' role goes beyond the intention of the original deployment plan and imposes new, unforeseen tasks on United Nations troops. As for the Government, it asked my Special Representative in January for a wider deployment of ONUMOZ forces so that the movements of RENAMO and Government forces could be monitored equally.

6. Following his appointment as Force Commander of ONUMOZ, Major-General Lélío Gonçalves Rodrigues da Silva (Brazil) assumed his duties on 14 February 1993. Meanwhile, the delays in the approval of the list of troop-contributing countries resulted in the rotation of the ONUMOZ military observers only in the third week of January. By that time, only five of the original 25 military observers which had been mandated by Security Council resolution 782 (1992) of 13 October 1992 still remained in Mozambique. However, by mid-March some 154 military observers drawn from 12 countries were deployed at three regional headquarters (Nampula, Beira and Matola) and at Maputo. Of these, some 102 observers have been formed into teams and are ready to take up their assignments immediately in the assembly areas. In the meantime, ONUMOZ military observers are engaged in verification of cease-fire violations and limited monitoring and reconnaissance of the assembly areas. It should be noted, however, that the shortage of aircraft, vehicles, office accommodation and communication equipment limits their activities, for reasons mentioned in paragraph 46 below.

7. With regard to formed military units, much planning and preparation had been done in anticipation of their deployment. In March, reconnaissance parties from various troop-contributing countries inspected their respective deployment areas and completed assessments of their tasks and resource requirements. It is envisaged that infantry battalions will be allocated as follows: Nampula corridor - Bangladesh; Beira corridor - Italy; Tete corridor - Botswana;

Limpopo corridor - Zambia; and National Highway - Uruguay. Support elements of engineers, logistics, movement control, communications, medical and air support will be deployed at ONUMOZ central and regional headquarters.

8. The phased induction plan for United Nations formed units has undergone several major adjustments. There have been administrative delays both within the United Nations, and also by troop-contributing countries. Although I began to approach potential contributors for the Operation in Mozambique as early as September, the final composition of ONUMOZ military units has not yet been completed. Some countries which several months ago signalled their intention to provide troops to this Operation only recently informed the Secretariat of their readiness to dispatch them to Mozambique. I have directed that every effort be made to hasten the deployment of the ONUMOZ military component. The bulk of infantry units will arrive in April, and the full deployment of the force should be complete in May 1993.

9. Meanwhile, a self-sufficient Italian contingent of approximately 1,030, which includes the infantry, a logistical sub-unit, a medical element and an air wing (which is being provided at no cost to the United Nations), has been completely deployed in the Beira corridor. This contingent became fully operational on 1 April 1993. An advance party of the Bangladeshi contingent has also arrived.

10. A major problem for ONUMOZ military deployment is the lack of freedom of movement. A status of forces agreement has yet to be approved. In its absence, ONUMOZ has to provide advance information on all movements of United Nations military personnel. This requirement imposes restrictions on the effectiveness of the mission.

II. ESTABLISHMENT OF ASSEMBLY AREAS AND DEMOBILIZATION

11. Under the terms of the General Peace Agreement for Mozambique [S/24635, *annex*], the cease-fire in Mozambique, which came into effect on 15 October 1992, was to be followed rapidly by the separation of the two sides' forces and their concentration in certain assembly areas. Of these, 29 were to be designated for the Government and 20 for RENAMO. Demobilization of those troops who would not serve in the Mozambican Defence Force (FADM) was to begin immediately thereafter. In practice, however, there has been little progress in implementing this crucial aspect of the General Peace Agreement which affects the timetable of the whole peace process.

12. This delay has been caused by several factors. One is that the two parties have not yet provided ONUMOZ with the complete list of troop strength, arms, ammunition, mines and other explosives which was expected by 15 October 1992. The parties finally agreed that the assembly of troops would proceed in phases. The first phase would be cantonment in seven areas for the Government and five for RENAMO. Both parties, however, have designated their assembly locations not for logistical suitability, but for their importance for control over certain areas. Accordingly,

assembly areas have had to be changed, often at the request of the United Nations, because the sites proposed by the parties were inaccessible, without services and water, or may have been mined. Another factor seriously affecting progress is RENAMO's insistence that the assembly and demobilization of its troops will depend on the size and deployment of United Nations forces.

13. At the beginning of January 1993, my Special Representative set up a technical unit to assist in the concentration and demobilization programme. This unit consists of civilian staff seconded from the World Health Organization, the United Nations Children's Fund (UNICEF), the European Community (EC), the Swiss Development Cooperation Agency and the International Organization for Migration. It will have a team in each assembly area which will act in close cooperation with the teams of military observers. Twelve areas can be opened as soon as logistical support is available.

14. Thanks to substantial donations from the European Community, Norway and Japan, the World Food Programme can now give a basic ration of food to all assembled troops. Arrangements to supply this food have been made. UNICEF will help provide wells, boreholes, pumps and engines and simple non-food items (soap, tarpaulins, blankets, cooking pots). United Nations volunteers should be in each assembly location in a few weeks to organize the logistic support to the assembly areas and to guarantee communication with humanitarian agencies.

15. The technical unit is also preparing for demobilization. Civilian clothes for the demobilized have been procured. Registration procedures for the soldiers have been defined in coordination with the relevant government departments. The International Organization for Migration, in collaboration with the Mozambican Ministry of Transport and Communications, has begun to recruit specialists who will ensure in each province that demobilized soldiers and their families are transported to their places of origin. Thus, from the standpoint of logistical preparations, it would be possible to initiate the first phase of demobilization as soon as the Supervisory and Monitoring Commission takes the appropriate decisions.

III. DEVELOPING THE POLITICAL PROCESS

16. The General Peace Agreement for Mozambique foresaw the creation of a series of commissions to monitor and implement the objectives set forth in it. At the invitation of the parties, the United Nations had agreed to chair the Supervisory and Monitoring Commission, as well as two of its subsidiary commissions, the Cease-fire Commission and the Reintegration Commission. The three Commissions were formally established and took up their functions last October shortly after the arrival of my Special Representative in Mozambique.

17. Since my report of 3 December 1992 [S/24892], the Supervisory and Monitoring Commission has held several meetings. Germany has also joined the Commission at the

invitation of the parties. As a result, in addition to the two principals - the Government of Mozambique and RENAMO - the Commission comprises the United Nations, the Organization of African Unity and six member countries: France, Germany, Italy, Portugal, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

18. It will be recalled that for the political process, the mandate of ONUMOZ as approved by Security Council resolution 797 (1992), and in accordance with the General Peace Agreement, is to facilitate impartially the implementation of the Agreement, particularly by chairing the Supervisory and Monitoring Commission and its subsidiary commissions. The Supervisory and Monitoring Commission has been able to guide and coordinate the work of its subsidiary commissions and to address and resolve disputes which could not be settled at their level. The Supervisory and Monitoring Commission has adopted its own rules of procedure, which also govern the work of its subsidiaries. In addition to the formal meetings, my Special Representative has met on a regular basis with each of the parties individually, as well as with the group of ambassadors representing the member countries of the Supervisory and Monitoring Commission.

19. The Cease-fire Commission has been the most active of the Commissions. Although progress in implementing the cease-fire agreement has been slower than anticipated, the Commission has been able to maintain an ongoing dialogue between the parties on the main issues of its mandate. In January 1993, Cease-fire Commission was expanded to include Zimbabwe and Kenya, bringing the number of invited member countries to 10. However, except in the central region of the country, the subordinate bodies of the Cease-fire Commission, i.e. the regional cease-fire commissions and the assembly area monitoring groups, either have not yet been established or are not fully operational.

20. The Cease-fire Commission has discussed major issues that fall within its mandate. These include the composition and constitution of regional cease-fire commissions and assembly area monitoring groups; alleged violations of the cease-fire, mainly movements of troops by both sides; the nomination and reconnaissance of assembly areas, arrangements for de-mining of 28 priority roads to support the cease-fire agreement as well as humanitarian assistance activities; completion of a national mine-clearing plan; and establishment of a de-mining policy and coordination committee.

21. The discussions of the Cease-fire Commission on the mine-clearing problem have been particularly successful. It is estimated that there are some 2 million mines in Mozambique, some dating back to the colonial era. The Cease-fire Commission established a plan to initiate immediate mine clearing activities on a number of roads that were essential for the provision of humanitarian assistance to affected populations. With the assistance of an expert provided by the United Nations, it also developed a national

de-mining policy, setting national priorities and establishing professional standards.

22. One of the appealing features of the plan is its training component in preparation for a mine-clearing school. At a rate of 400 graduates per year, the school will enable some 1,200 to 2,000 Mozambicans, many of them demobilized soldiers, to acquire a skill which, unfortunately, will be in demand for many years to come. Several donor countries have come forward to support the plan financially, and the United Nations has initiated a technical assistance project in response.

23. The Cease-fire Commission has not been able to achieve all its tasks in the time the General Peace Agreement requires. The two parties have not yet supplied the complete list of troop strength, arms, ammunition, mines and other explosives which was expected by 15 October 1992. The plan for the withdrawal of foreign troops, which was to have been declared by 15 October, has not yet been drawn up because of the delay in the arrival of the formed United Nations contingents. As a result, no specific plans for the concentration of troops have been submitted by either party because RENAMO would not start the process before the arrival of the United Nations troops. So far, RENAMO members of the three regional cease-fire commissions have been positioned only in the central region (Beira).

24. The Reintegration Commission has been able to hold only one working session. RENAMO has since announced that its delegation to the Commission could not attend the meetings because there was no housing and logistic support for it. However, a series of proposals for the reintegration of demobilized soldiers into civil society have been developed by the United Nations Office for Humanitarian Assistance Coordination and could be implemented once they were reviewed and approved by the Reintegration Commission.

25. The Joint Commission for the Formation of the Mozambican Defence Force comprises, in addition to the parties, France, Portugal and the United Kingdom. It has not yet had any formal meetings. The parties have so far not even identified their delegations. My Special Representative has repeatedly expressed his concern to the parties that the delay would affect the peace process. However, military delegations from Portugal have visited the country and outlined their potential contribution to the training of the new unified army. The United Kingdom has already prepared facilities in the region to train instructors for the new force. The member countries of the Joint Commission have met recently at Lisbon and planned a unified contribution to the creation of the Defence Force.

26. In addition to the formal meetings of the commissions, my Special Representative has established informal tripartite working meetings with the parties on both political and military subjects. These meetings address questions of common concern so as to agree on working procedures and other related issues.

27. As the work of the commissions chaired by the United Nations progresses, the need for the other commissions has become ever more apparent. The tasks assigned to each of the commissions are often closely related. As a result, the failure of some Commissions to function hampers progress in those already established. In addition, certain questions of paramount importance to the peace process cannot be addressed unless the responsible commissions begin to act without further delay.

28. The National Police Affairs Commission and the National Information Commission, have also yet to be established. So far, RENAMO has not been able to identify its representatives of those commissions. The urgency of this matter has become apparent in view of concerns by RENAMO that the Government has integrated military officers and soldiers into the police force. RENAMO's participation in the National Police Affairs Commission would, of course, permit this commission to function and thus to respond to these allegations. Similarly, complaints about human rights violations which should be addressed to these two commissions, as the General Peace Agreement provides, now go unheeded. Furthermore, several of the minor incidents reported to the Cease-fire Commission contained elements of civil crime which should be addressed by the National Police Affairs Commission.

29. Two other commissions whose roles are of major importance for the successful implementation of the Agreement, the National Elections Commission and the National Commission for Administrative Questions, have not yet been established. The delay in creating the National Commission for Administrative Questions has made it impossible to address sensitive issues concerning administration in both Government- and RENAMO-held areas. The implications of the absence of the National Elections Commission are discussed in paragraphs 38 to 44 below.

IV. HUMANITARIAN AID COORDINATION

30. In my report to the Security Council of 3 December 1992 [S/24892], I recommended that ONUMOZ include a United Nations Office for Humanitarian Assistance Coordination (UNOHAC) at Maputo. This would coordinate the international relief effort under the overall authority of the Special Representative. Its Director would also chair the separate Humanitarian Assistance Committee.

31. Following the decision of the Security Council to establish ONUMOZ, the Director of UNOHAC arrived at Maputo on 18 December. As an early step he integrated into UNOHAC the current operations of the United Nations Special Coordinator for Emergency Relief Operations. Since then the Office has filled half of its established posts, and seconded personnel from operational agencies are now part of the staff of UNOHAC.

32. UNOHAC's first task has been to follow up the conclusions and recommendations of the Donors Conference on Mozambique held at Rome on 15 and 16 December 1992.

A report on the Conference, which recorded pledges and contributions in the amount of US\$ 398.34 million, was circulated to the members of the Council in document S/25044.

33. The Rome meeting also helped to define the objectives of humanitarian assistance to Mozambique. This targets the needs of returning refugees and internally displaced persons, groups in severe distress from drought or acute poverty and demobilized soldiers. The overall goal is to help these groups return to their areas of origin. UNOHAC is now preparing, in consultation with the Government of Mozambique, a consolidated humanitarian assistance programme for 1993-1994, which is intended to describe clearly and completely the use of aid appropriations and the resources pledged at the Rome Conference. The programme will be presented to a further donors meeting, probably in May.

34. Although the mid-term prospects are favourable, outside humanitarian assistance will be necessary for the next 18 months. The drought of several years has broken. In the country as a whole, rainfall has recently been above normal. However, the 1993 crop of staple cereals will be much less than normal because seeds and hand tools were lacking in the growing season.

35. Moreover, there are still 1.5 million refugees receiving assistance in neighbouring countries. Spontaneous returns rose sharply in the three months following the signing of the General Peace Agreement. This has now virtually stopped. A further repatriation of 1 million persons may be assisted by the Office of the United Nations High Commissioner for Refugees in April. Within Mozambique, there are an estimated 3 to 4 million displaced persons.

36. An important objective of the humanitarian component of ONUMOZ is, therefore, to help resettlement by promoting essential services at district and community levels. These include support to agricultural production, road repair, water supply and sanitation, health care and education. A second vital purpose is to respond rapidly to humanitarian requirements in RENAMO areas so as to help open up commerce and expand contacts between population groups long isolated by war.

37. To provide supplementary funds for these activities, a United Nations Trust Fund for Humanitarian Assistance to Mozambique has been established by the Department of Humanitarian Affairs. Contributions to the Fund have already been announced for the specific purpose of financing mine-clearing projects, as well as to support the demobilization process and the reintegration of displaced populations.

V. MONITORING OF THE ELECTORAL PROCESS AND THE PROVISION OF TECHNICAL ASSISTANCE FOR THE ELECTIONS

38. The General Peace Agreement committed the Government to establish a National Elections Commission

by mid-December 1992; draft and publish an Electoral Law by mid-January 1993 in consultation with RENAMO and other parties and after approval by the Assembly of the Republic; and seek technical and material support for the organization of elections.

39. On 26 March 1993, the Government distributed a draft Electoral Law to RENAMO and other political parties. A Multi-party Conference sponsored by the Government will meet on 20 April to discuss and complete the draft Law. Only after this Conference will the Government submit the Electoral Law for approval by the Assembly of the Republic and set up the National Elections Commission; there are no firm deadlines for these last two actions.

40. Resolution 797 (1992) gives the United Nations the main coordinating role for technical assistance to the entire electoral process in Mozambique through the United Nations Development Programme (UNDP) and other United Nations agencies. This role was endorsed by the Donors Conference for Mozambique held at Rome on 15 and 16 December. From 29 November to 13 December, a joint mission of the United Nations and the EC worked with elements of the Government of Mozambique responsible for preparing the electoral process until the National Elections Commission is established.

41. The joint mission revised the overall elections budget and its detailed justification. It also formulated a draft project for integrated support to the electoral process under UNDP coordination. Both this project and the electoral budget were reviewed with the local donor community. In addition, the EC team assisted the Government of Mozambique in revising and finalizing a draft electoral law, prepared a report for the Rome Donors Conference on electoral organization, assessed requirements for logistics, civic education and training, and designed the future organization and functional responsibilities of the Technical Secretariat for the Administration of Elections.

42. UNDP and the EC have since maintained especially close consultations and cooperation in support of the electoral process. The EC has already committed itself to provide significant funds to finance registration materials, and also part of the technical assistance in the elections budget.

43. The timetable for holding the elections is now seriously in question. Relevant aspects of the political, military and humanitarian situations, and of the state of electoral preparations, have been mentioned above. An additional complicating factor is the season of intense rain which lasts from mid-November to late March.

44. It now seems clear that it will not be possible to conduct the elections according to the original timetable, which aimed to complete them during the 1993 dry season. In particular, as I emphasized in my previous report [S/24892], the military situation must be fully under control if we are to create the conditions for a successful election. This in turn depends upon a determined effort by the Mozambican parties to honour fully their commitments. As

reported herein, they have yet to do this, although there have been some promising early steps.

VI. ADMINISTRATION, LOGISTICS AND STATUS-OF-FORCES AGREEMENT

45. In various parts of the present report, I have already pointed to some administrative causes for delays in the full deployment of ONUMOZ.

46. The formulation of a budget, given the present uncertain political situation together with the multifaceted components of the mission, proved to be a very complex task and required considerable internal consultations. Since only a relatively limited advance of US\$ 9.5 million was made available pending the approval of the whole budget, the purchase of most equipment, as well as the long-term leasing of aircraft and lease of office space, had to be deferred. The lack of an approved budget also prevented the timely recruitment and deployment of many key personnel.

47. In view of the delays in the timetable of the implementation of various aspects of the General Peace Agreement for Mozambique, the General Assembly decided to appropriate a lump sum amount of US\$ 140 million for ONUMOZ for the period from 15 October 1992 through 30 June 1993. Therefore, it is only now that the requisitioning for many items of equipment could start. It is also necessary to emphasize that in order to make optimal and efficient use of resources, ONUMOZ should purchase goods and services, including those related to its de-mining activities, from sources of supply in southern Africa whenever these are more economical than sources of supply elsewhere.

48. Still, these logistic concerns are not the only ones. The mission has experienced serious problems with the provision of office accommodation without cost to the United Nations and of some very basic services to ONUMOZ. The mission has therefore had to attempt to negotiate on the open market, but the results have not usually been very satisfactory, due to the inadequacy of the market itself.

49. Of specific concern to me also is the absence of a status-of-forces agreement on ONUMOZ, which is referred to in paragraph 10 above. Such a draft agreement was prepared on the basis of the model contained in document A/45/594, based upon established practice and drawing extensively upon prior and current agreements. At the present time, the movement of United Nations staff and goods is subject to Mozambican law. Consequently, ONUMOZ is required to obtain authorization for its flights, airport duties have to be paid, vehicles have to be registered locally and local taxes and duties are levied in accordance with national practice. Difficulties are experienced in the operation of ONUMOZ-chartered aircraft.

50. The United Nations is not asking for privileges, exemptions and immunities greater than those which are usually granted by other countries to the Organization in similar circumstances. The current practice regrettably imposes restrictions on the full implementation of

ONUMOZ's mandate. Moreover, the approved budget of the mission does not include allowance for customs duties, excise taxes, levies, fees and other charges which the Government, its agents and local authorities are charging ONUMOZ.

VII. OBSERVATIONS

51. The General Peace Agreement for Mozambique signed at Rome consists of a complex series of interlinked agreements. These are to be implemented in stages through coordinated actions of the two parties - the Government of Mozambique and RENAMO - under United Nations verification. Some of the aspects of the peace accords also involve the active participation and support of Member States, and their contributions continue to be invaluable. The peace process is, however, an extremely complicated one. Thus, delay in implementing one element of the General Peace Agreement affects the achievement of others.

52. Any assessment of the current situation must include a number of positive developments. The cease-fire has largely held and the parties have continued to exercise restraint. Mozambique is going through a period without precedent in the past 16 years. After so many years of devastating conflict, there is a strongly felt need for peace. Mozambicans long for a return to the stability that will permit the rehabilitation and reconstruction of their society. I hope that this sentiment will strongly impel the parties to implement the peace accords fully and without further delay.

53. Another positive development relates to the understandings reached on the Zimbabwean and Malawian troops in the country who have been assisting in keeping open the transport corridors which run across Mozambique to neighbouring land-locked countries. The delay in the deployment of ONUMOZ contingents raised concerns at the beginning of the year that the premature withdrawal of these troops might cause the breakdown of the peace process. Fortunately, diplomacy and sound judgement prevailed: arrangements were worked out to permit these troops to remain in the corridors beyond the time specified in the General Peace Agreement.

54. But even if all these developments give cause for satisfaction, there are several reasons for concern which should not be underestimated. Many of the timetables established in the General Peace Agreement proved to be unrealistic. The number of considerable delays has accumulated and there are so far no signs to indicate that this time lost can be recovered quickly or easily. Some time has been lost in forging the necessary support inside the country to implement the Agreement. Continuing deep mistrust has resulted in reluctance to begin assembly and demobilization of troops, and has contributed to the delay in the deployment of United Nations military observers.

55. Another complication was Mr. Dhlakama's insistence that his troops would not assemble unless 65 per cent of the United Nations armed components were deployed and were ensuring stability in areas under RENAMO control. This interpretation obviously goes beyond the provisions of the

General Peace Agreement and the operational plan of ONUMOZ. Meanwhile, RENAMO's reluctance to allow timely investigation of alleged cease-fire violations and its insistence on keeping certain areas under its control obstruct the freedom of movement of people and goods foreseen in the Agreement.

56. The delays in deployment of ONUMOZ' formed units also have not been helpful. There are several reasons for such delays, many of a generic nature, which also inhibit other peace-keeping operations. The United Nations clearly needs more rapid and effective means as well as more flexible practices. The example of ONUMOZ also demonstrates the importance of quick responses by troop-contributing countries to United Nations requests. This aspect has become one of the crucial elements the Secretariat is usually faced with at the initial stages of many peace-keeping undertakings.

57. ONUMOZ's logistical problems also arise from the lack of a status of forces agreement. The latter must be finalized quickly so that the mission may freely and effectively carry out its mandate. I have received the personal assurances of Foreign Minister Mocumbi, with whom I met on 31 March, that the agreement will be signed by the Government without further delay.

58. It is essential to have the necessary conditions to allow RENAMO to assume a proper role in the political and social life of Mozambique. This is a serious problem which has to be resolved by the Mozambicans as soon as possible, if the peace process is to succeed. I welcome the cooperative approach of various donor countries which are assisting my Special Representative in his efforts to resolve these difficulties imaginatively and quickly.

59. The timetable for the implementation of the cease-fire arrangements, including the assembly of troops and their demobilization, cannot be delayed any longer. Soldiers should be able to begin returning to civilian life through the programmes envisaged in the General Peace Agreement. The parties must promptly exchange all relevant information concerning the numbers of their troops, their concentration points and assembly areas. To avoid unnecessary hardship for soldiers as well as to mitigate related security and social risks, consideration should be given by the parties to the need for starting the demobilization process before all troops are assembled under United Nations supervision. The main responsibility for the speedy implementation of all these matters related to the cease-fire lies with the Mozambicans themselves.

60. Formation of the new armed forces must also have high priority. I appeal to both parties, and to interested countries which have agreed to assist, to complete as soon as possible all arrangements for the training of the FADM. ONUMOZ is prepared to assist the parties in addressing this and other issues in order to help dispel mistrust and misunderstanding that could threaten the peace process.

61. Security concerns raised by both parties must be addressed without making the peace process hostage to

exaggerated complaints or mistrust. The prompt deployment of the ONUMOZ military contingent should help to allay most of these apprehensions. I would be prepared also to consider some adjustments to the military operation by providing additional patrols and observation outside assembly areas and transport corridors, without substantially changing the approved mandate of the mission. ONUMOZ military elements would also undertake, whenever possible, to verify unauthorized internal and cross-border flows of arms and military personnel. However, for the United Nations force to operate effectively, both sides must honour their commitments to guarantee ONUMOZ's freedom of movement and verification capabilities.

62. My Special Representative has, on many occasions, raised the above matters with both parties. Under-Secretary-General James O. C. Jonah also discussed these and other matters with both President Chissano and Mr. Dhlakama when he visited Mozambique last January. On 31 March, I reviewed in detail various aspects of the peace process with Foreign Minister Mocumbi. The two parties have on various occasions, even very recently, reaffirmed their firm commitment to consider peace as an irreversible choice. The possibility of a meeting between President Chissano and Mr. Dhlakama, repeatedly sought by my Special Representative, was recently brought up again by Mr. Dhlakama, and accepted by President Chissano. This meeting, like others in the past, could represent an important opportunity to contribute to the solution of outstanding problems.

63. All the delays and difficulties, however, will seriously affect the timetable previously presented to the Security Council. Although a draft Electoral Law has now been circulated, the delays in doing so will require adjustment of the timetables, particularly the dates for the elections. It is evident that they cannot be held in October 1993 as originally scheduled. I shall continue my discussions with the parties on new dates and shall keep the Council informed about this very important matter.

64. Mozambique is now enjoying relative peace. The problems in implementing the General Peace Agreement cannot obscure this fundamental fact. Peace must be sustained and secured. The international community should continue to assist the parties in Mozambique in achieving this goal. Many of the initial problems experienced by the United Nations in establishing ONUMOZ and making it fully operational have now been or will soon be overcome. For my part, I am determined to continue my efforts to accelerate the process of implementation. Despite the many concerns which now preoccupy us all, with the continued goodwill of the parties and the interest and support of the international community, it should be possible in the coming crucial period to build on the progress made so far and firmly implant the peace process in Mozambique, and bring it to a final success.

DOCUMENT S/25519

Letter dated 2 April 1993 from the Secretary-General to the President of the Security Council

[Original: English]
[3 April 1993]

I have the honour to convey to you, for the information of the members of the Security Council, a letter which the United Nations High Commissioner for Refugees addressed to me this evening. It describes the disturbing situation which has developed in Srebrenica in eastern Bosnia following the decision of the Bosnian Serb military authorities not to permit any further aid to be delivered to that town.

The Force Commander of the United Nations Protection Force has been instructed this evening to take this matter up immediately with the Bosnian Serb leadership and, in my name, to insist that the Office of the United Nations High Commissioner for Refugees be permitted to resume delivery of aid to Srebrenica. The results of General Wahlgren's *démarche* will be communicated to you as soon as possible. Meanwhile, the members of the Security Council may wish to consider what supportive action they might take in this extremely worrying situation.

(Signed) Boutros BOUTROS-GHALI

ANNEX

Letter dated 2 April 1993 from the United Nations High Commissioner for Refugees to the Secretary-General

Further to my letter of 18 March 1993, I would like to draw your attention to the extremely dramatic plight of the people in Srebrenica.

The population of Srebrenica town has swollen from 6,000 persons to 20 to 30,000 persons, with another 30,000 persons in the surrounding area. Despite the recent cease-fire and the airdrops, the humanitarian situation continues to be dire, and worsening by the hour. People are in desperate need of food, medicine, clothes and shelter material. Many of them are living on the streets, without any shelter or adequate clothing, exposed to winter conditions. You have already received the report from WHO [World Health Organization] on the very precarious health situation at Srebrenica. Most of the population is suffering from skin disease, many people have respiratory and intestinal infections. There are thousands of women and children who are weak, exhausted and starving.

Even under normal circumstances the infrastructure of Srebrenica could not support its current population, more than 75 per cent of whom are refugees from other areas in eastern Bosnia. Many of these refugees have had to flee several times from advancing Bosnian Serb forces. It is their conviction that the Bosnian Serbs will pursue their military objective to gain control of Srebrenica, and that the cease-fire will not hold. They are desperate

to escape to safety because they see no other prospect than death if they remain where they are. Recent reports indicate that thousands of people have already begun to move towards Zepa under extremely dangerous conditions.

Only three UNHCR [Office of the United Nations High Commissioner for Refugees] aid convoys have been able to reach the besieged town of Srebrenica in the past fortnight (on 19, 28 and 30 March). We were allowed by the Serbs to bring in food and medicine but not shelter material. The departing trucks were forced to evacuate over 5,560 women, children and elderly to Tuzla, as well as several hundred wounded persons.

Our efforts have met with serious difficulties. First, despite measures taken by the local authorities to contain the situation, our convoys were stampeded by people desperate to flee Srebrenica by any means. In that process, several people were crushed to death. We ended up transporting a far larger number of people than planned. Secondly, despite the desperation of the people to leave, the Bosnian authorities at Tuzla as well as at Srebrenica are opposed to continued evacuation of people, which they see as designed to empty the town of its women and children in order to facilitate a subsequent Serbian offensive. Also the existing facilities at Tuzla are inadequate to absorb the new arrivals. Thirdly, yesterday we were informed by General Mladic of the Bosnian Serb military that he would not permit any more aid to be brought into Srebrenica, but would allow UNHCR to continue the evacuation only. This is unacceptable and contradicts his earlier assurances to UNHCR and UNPROFOR [United Nations Protection Force] to allow access to humanitarian aid. My Special Envoy for the former Yugoslavia is pursuing negotiations on this matter.

UNHCR had planned to send another convoy to Srebrenica today, but because of delays at the border crossing-point, it has been postponed until tomorrow. Even if the convoy is able to bring some aid and can evacuate some people without untoward incidents, we are forced to acknowledge that the current efforts are totally inadequate to address the increasing human suffering.

Under these circumstances, I believe we are faced with two options, if we are to save the lives of the people trapped at Srebrenica. The first is to immediately enhance international presence, including that of UNPROFOR, in order to turn the enclave into an area protected by the United Nations, and inject life-sustaining assistance on a scale much greater than being permitted at the moment. Such an option would require the strongest political pressure from the international community on the Serbian side. Failing that, the only other option would be to organize a large-scale evacuation of the endangered population at Srebrenica. This would require the cooperation of all parties concerned, in particular that of the Bosnian authorities, as well as massive operational support to UNHCR to ensure that the evacuation can be conducted in a manner in which it does not endanger the very lives of those it is meant to save.

As time is running out, more drastic action needs to be taken urgently to ensure the survival of the population at Srebrenica. This cannot be achieved under the current conditions which do not allow UNHCR to do more than send in a very limited number of convoys which are neither adequate in meeting the humanitarian needs of the people nor in evacuating all those who wish to leave.

While I have instructed my Special Envoy to make every effort to increase our operational capacity to aid the population at Srebrenica, I wish to solicit your strong support to draw the attention of the international community, including the Security Council, to the help needed to carry out the essential measures. May

I also seek your advice on what further steps can be taken to address this humanitarian tragedy in eastern Bosnia?

(Signed) Sadako OGATA

DOCUMENT S/25522*

**Letter dated 4 April 1993 from the representative of
Yugoslavia to the Secretary-General**

[Original: English]
[5 April 1993]

I have the honour to transmit herewith the statement by the Government of the Federal Republic of Yugoslavia, of 4 April 1993, on the session of the Assembly of the République serbe at Bileca.

I should be grateful if you would have the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(Signed) Dragomir DJOKIC
Chargé d'affaires a.i. of the
Permanent Mission of Yugoslavia
to the United Nations

TEXT OF THE STATEMENT

At its meeting held on 4 April 1993, the Government of the Federal Republic of Yugoslavia considered the results of the session of the Assembly of the République serbe at Bileca, reactions to the adopted Declaration and the ever more frequent threats to tighten the existing sanctions and to impose new ones against the Federal Republic of Yugoslavia.

The Government considers that the debate and the Declaration adopted at Bileca have confirmed that the Serbs in Bosnia and Herzegovina are determined to continue the peace process and that they are vitally interested in an early solution of contentious issues related to maps and in reaching a comprehensive, just and lasting political settlement of the crisis in Bosnia and Herzegovina.

The Government recalls that the Federal Republic of Yugoslavia has sought to bring about a peaceful solution of the crisis in Bosnia and Herzegovina ever since its beginning, on the basis of respect for legitimate interests of all three peoples and their consensus on the form of their life together. In that context, the Federal Republic of Yugoslavia has supported the Vance-Owen Plan as a useful basis for further negotiations aimed at achieving a consensus on the offered maps.

Proceeding from this, the Federal Republic of Yugoslavia acted constructively at the Geneva and New York negotiations and, within the limits of its capabilities,

* Circulated under the double symbol A/48/127-S/25522.

influenced the Bosnian Serbs to render maximum cooperation.

According absolute priority to immediate and unconditional cessation of the military conflict, the Federal Republic of Yugoslavia brokered successfully the conclusion of the last agreement on cease-fire in Bosnia and Herzegovina, the only such agreement which is still holding despite sporadic violations by the Muslim and Croat sides.

Assessing as most important that the present cease-fire be maintained at any cost, which is of vital importance for a successful continuation of the peace process, the Government supports the proposal that a meeting of all three warring parties in the civil war be held at Sarajevo and that the meeting be attended, in an observer capacity, by the Chiefs of the General Staffs of the Army of the Federal Republic of Yugoslavia and the Republic of Croatia. The Government is convinced that the remaining contentious issues related to the proposed maps can be solved and that they should not put in jeopardy the peace process. To this effect, the Government accepts the appeal of the Assembly at Bileca to the international community to help organize bilateral meetings between warring parties and offers its hospitality and good offices for early direct negotiations between Bosnian Serbs and Bosnian Muslims, that is, between Bosnian Serbs and Bosnian Croats.

The Government calls on the Presidents of the United States of America and the Russian Federation, as well as on the other highest representatives of the Group of Seven, not to bow to pressure aimed at escalating the crisis and to adopt a position at the Summit at Vancouver in favour of the continuation of peace efforts and negotiations. In doing so, the international community may count on the genuine and wholehearted support and cooperation of the Federal Republic of Yugoslavia.

Proceeding from the fact that, at the Geneva and New York negotiations, as well as on other occasions, the international community has explicitly recognized the fact that a civil and inter-ethnic war is being fought in Bosnia and Herzegovina, the Government of the Federal Republic of Yugoslavia resolutely condemns the intentions to tighten the existing sanctions and impose new ones and requests that the existing sanctions, imposed one-sidedly and unfairly against the Federal Republic of Yugoslavia, be lifted immediately.

DOCUMENT S/25523

Letter dated 2 April 1993 from the representative of Iraq to the Secretary-General and the President of the Security Council

*[Original: Arabic]
[5 April 1993]*

On instructions from my Government, I have the honour to transmit to you herewith a copy of the talking points delivered to the representatives of four of the permanent members of the Security Council, France, the Russian

Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America, on 2 April 1993.

I should be grateful if you would have the present letter and the talking points circulated as a document of the Security Council

*(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations*

TALKING POINTS

1. Iraq considers the presentation of the paper containing the talking points on 26 March 1993 by the representatives of the four Powers to be unjustified in present circumstances.

2. Iraq has demonstrated on numerous occasions, notably at two formal meetings of the Security Council held in March and November 1992, the extent to which the resolutions of the Security Council have been implemented. By any objective and impartial evaluation, the great extent and substantive character of such implementation, particularly with respect to Council resolution 687 (1991) of 3 April 1991, require that the iniquitous embargo long maintained against the Iraqi people should be lifted and the other unjust measures and the tendentious political and propaganda campaign against Iraq be brought to an end. This has not yet happened for political reasons that have no connection with the provisions of those resolutions or with the aims of the United Nations.

3. The statement made in the talking points to the effect that Iraq remains in breach of the full scope of Council resolutions is a tendentious inference that bears no relation to the true state of affairs and uses generalities in order to mislead. Iraq has requested repeatedly that an objective appraisal be made, in accordance with proper professional, technical and legal criteria and without regard for tendentious political positions, of its implementation of Council resolutions, particularly resolution 687 (1991). But this impartial and responsible request has not been heeded. Iraq requests that such an appraisal be undertaken without delay by a delegation appointed by Iraq and a delegation appointed by the four Powers in question, with the participation of China, so that a correct assessment can be made of the matter and the results presented to the Council. At the same time, it calls attention to the need for the five permanent members of the Council, in particular, and for the Council itself to honour the commitment made to Iraq under the provisions of paragraphs 21 and 22 of Council resolution 687 (1991).

4. The talking points include the statement that the "Coalition" has taken certain steps to monitor and supervise the implementation of the resolutions. We do not understand this statement. What resolutions are meant? What competence do the States that call themselves the "Coalition" have to monitor and supervise the implementation of United Nations resolutions in the framework of the mechanisms and responsibilities set forth in the Charter of the United Nations?

5. The reference made in the talking points to "provocations" is unfounded. The talk of certain military actions that Iraq is planning to take has come up repeatedly in the past two years. It is groundless, and it is being used as a pretext to perpetuate the climate of hostility towards Iraq and justify the maintenance of the unjust embargo against it.

6. Iraq does not understand the purpose of the paper concerning the weekly military meetings at Fayidah. On 19 January 1993, Iraq announced a unilateral cease-fire initiative. In any case, Iraq cannot accept any formula which might be open to the interpretation that it agrees to the air exclusion zones imposed north of the 36th parallel and south of the 32nd parallel. This measure is unlawful, it was not adopted on the basis of any United Nations resolution, and its aim is of a political nature, namely to interfere in Iraq's internal affairs, to undermine the situation in the country and to dismember it on an ethnic and confessional basis. However, in order to avoid any friction or misunderstanding, Iraq is not opposed to an exchange of views with the States concerned on the iniquitous decision to impose aerial exclusion zones, and we consider that this should be done through diplomatic channels in New York.

7. Iraq will remain committed to the defence of its sovereignty and independence. It calls upon the four Powers concerned to respect that fact in keeping with their responsibilities as permanent members of the Security Council, as they are required to do by the Charter of the United Nations.

8. In order to establish the facts, it must be said that the three countries that imposed the aerial exclusion zones in northern and southern Iraq by unilateral decision and that have used armed force to maintain them, as they did in January 1992, have impeded Iraq's ability to defend its sovereignty against acts of aggression by the Iranian air force, as was the case with the Iranian air raids against Iraq on 5 April 1992 and 13 March 1993. These countries stood by and watched such aggression take place.

1 April 1993

DOCUMENT S/25524

Letter dated 3 April 1993 from the representative of Turkey to the President of the Security Council

*[Original: English]
[5 April 1993]*

Reports have been coming from the Azerbaijani Republic regarding a large-scale offensive initiated by Armenian armed forces in the Azerbaijani district of Kelbadjar. As a result of this new Armenian aggression, 60,000 people have been encircled and 28 Azerbaijani villages have been occupied. There have been many deaths and thousands of Azerbaijanis are fleeing their homes.

As you are aware, the Government of Turkey has been actively engaged in securing a peaceful solution to the conflict between Armenia and Azerbaijan. This latest Armenian aggression is a serious blow to these efforts and constitutes a provocation which will have grave consequences for peace and security in a very sensitive region contiguous to Turkey.

In the light of these alarming developments, my Government is requesting the Security Council urgently to consider this situation with a view to stopping the aggression against Azerbaijan and securing the immediate evacuation of all Azeri territories occupied by Armenian forces.

I will appreciate it if this letter is circulated as a document of the Security Council.

*(Signed) Mustafa AKŞIN
Permanent Representative of Turkey
to the United Nations*

DOCUMENT S/25525

Letter dated 2 April 1993 from the representative of Azerbaijan to the President of the Security Council

*[Original: English]
[5 April 1993]*

I have the honour to transmit to you the text of an appeal of the Melli Mejlis (Parliament) of the Azerbaijani Republic on 1 April 1993, concerning the ongoing aggression of the army of the Republic of Armenia into the Kelbadjar region of the Azerbaijani Republic.

I should be grateful if you would circulate this appeal as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

ANNEX

Appeal from the Melli Mejlis (Parliament) of the Azerbaijani Republic to the parliaments of the countries of the world, the European Parliament, the Conference on Security and Cooperation in Europe and the United Nations

[Original: Russian]

In recent days, Armenia's aggression against Azerbaijan, which was undertaken by the Armenian occupiers with a view to dismembering the territory of our sovereign State, Azerbaijan, has assumed an even broader scale. The armed forces of the Republic of Armenia, using armoured vehicles, have shelled the centre and surrounding villages of the Kelbadjar district of Azerbaijan and have occupied 12 villages. There have been a number of deaths among the civilian population. The Armenian side is once again thirsting for blood with a view to creating yet another tragedy like that of Khojaly - genocide. At the present time, at Kelbadjar and on the southern frontiers of that district, adjacent to Lachin, bloody battles

are taking place. Despite the efforts of authoritative international organizations, the world community and peace-loving forces, Armenia is not only not ceasing its aggression, but, on the contrary, is committing terrible excesses, demolishing houses, schools and kindergartens and destroying the civilian population in order to wage war on an even broader scale. The continuation of the war with particular brutality once again shows that the conflict is spreading because of the lack of restraint of the aggressor. The leaders of Armenia are paying no heed to any authoritative international organizations, headed by the United Nations, or to any international legal instruments.

The Armenians are not ceasing their aggressive policy, despite the fact that the leaders of the Azerbaijani Republic have repeatedly declared to the whole world that they are ready to settle by peaceful means the predatory war being waged against Azerbaijan, which is now in its fifth year.

In appealing to the parliaments of the countries of the world, the Milli Mejlis of the Azerbaijani Republic wishes to inform them that the war being waged by Armenia against Azerbaijan has already entered a new phase - the phase of blatant occupation - and suggests that they should make their attitude towards the aggressor known.

The Milli Mejlis of the Azerbaijani Republic strongly urges the United Nations and the Conference on Security and Cooperation in Europe to take effective measures to put a stop to the predatory war being waged by Armenia against Azerbaijan and immediately, in accordance with the rules of international law, to adopt sanctions against the Armenian aggression.

Baku, 1 April 1993

DOCUMENT S/25526

Letter dated 5 April 1993 from the representative of Azerbaijan to the President of the Security Council

*[Original: English]
[5 April 1993]*

I have the honour to transmit to you the statement of the Ministry of Foreign Affairs of the Azerbaijani Republic.

In this document the Foreign Ministry states the ongoing large-scale aggression conducted by the Republic of Armenia against Azerbaijan, and considers that the Republic of Armenia, a State Member of the United Nations and of the Conference on Security and Cooperation in Europe, must be held accountable for the violation of international law.

It is time to qualify the Republic of Armenia as an aggressor and to apply sanctions against it.

I should be grateful to you for the circulation of the present letter as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

TEXT OF THE STATEMENT

[Original: Russian]

Shamelessly taking refuge behind a screen of lying propaganda about the disastrous situation and using genuine humanitarian aid sincerely provided by other States for its annexationist aims, the Republic of Armenia, cynically flouting the generally accepted rules of civilized conduct for States, is continuing its barbarous aggression against Azerbaijan.

Starting on 27 March 1993, the armed forces of Armenia mounted a large-scale attack on the western and south-western sections of the State frontier of the Azerbaijani Republic. The attack is being carried out with the support of armoured vehicles and the use of heavy artillery and military aircraft to shell and bomb populated settlements in the Kelbadjar district of Azerbaijan.

As a result of the latest attack, more than 1,000 square kilometres of Azerbaijani territory have been occupied and on 3 April 1993 the district centre of Kelbadjar in Azerbaijan was captured. There has been considerable destruction in the territory of the district and there have been many casualties among the civilian population. The threat of complete physical annihilation hangs over 15,000 civilian inhabitants who have been surrounded.

Military personnel belonging to the Seventh Russian Army stationed in Armenia are participating in the military actions undertaken by Armenian units and this casts some doubt on the desire of the Russian Federation to assist in finding a political settlement to the conflict within the framework of the Conference on Security and Cooperation in Europe (CSCE).

The position of the leading States of the world community, which are refraining from interfering in the conflict, continues to create an impression among the people of Azerbaijan that a "double standard" is being applied in respect of the participants in the conflict and a desire to see the aggressor and its victim treated on an equal basis. The policy of the "equal responsibility" of the parties reinforces a feeling of impunity and encourages the Republic of Armenia to commit further acts and capture more territory.

The Azerbaijani Republic believes that the time has come to call to account the Republic of Armenia, a State Member of the United Nations, CSCE and other international organizations, which is constantly challenging the world community, and to raise the question of recognizing the Republic of Armenia as an aggressor and applying the appropriate sanctions provided for in the Charter of the United Nations.

Baku, 4 April 1993

DOCUMENT S/25527

**Letter dated 5 April 1993 from the representative of
Azerbaijan to the President of the Security Council**

*[Original: Russian]
[5 April 1993]*

I have the honour to inform you that, having virtually completed their occupation of the highland part of Karabakh and the Kelbadjar and Lachin districts of Azerbaijan, Armenian armed forces are extending their aggression to the north-west and south of Nagorny-Karabakh.

According to available reports, in recent days there has been a considerable build-up of military units and *matériel* in the Krasnoselsk district of Armenia. All the evidence points to the preparation of a new violation of the State frontier in the north-west of Azerbaijan in the direction of Gianja, which, with a population of 300,000, is the second largest city of Azerbaijan. The districts of Kedabek, Khanlar, Geranboy and Shamkhor situated in this area now also face the threat of invasion.

At the same time, the Armenian offensive to the south-east of Nagorny-Karabakh - towards the district centre Fizuli - is being expanded. The town and its surrounding villages are being subjected to an uninterrupted and intense rocket artillery bombardment from districts of Nagorny-Karabakh occupied by Armenian armed forces. According to the latest information, there is fierce fighting 5 kilometres from the town.

This is clear evidence of the territorial expansion of the Republic of Armenia, which is threatening the very survival of the Azerbaijani State.

In this connection, I wish to request you, on behalf of my Government, to use all the means at your disposal to avert further aggression by the Republic of Armenia against the Azerbaijani Republic, and to prevent the further killing of civilians, old people, women and children.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

*(Signed) Hassan HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

DOCUMENT S/25528

**Letter dated 5 April 1993 from the representative of
Azerbaijan to the Secretary-General and the President
of the Security Council**

*[Original: English]
[5 April 1993]*

I have the honour to transmit to you a letter from Mr. Abulfaz Elchibey, President of the Azerbaijani Republic, dated 3 April 1993. In this letter the President states the

ongoing large-scale aggression conducted by the Republic of Armenia against Azerbaijan, and requests:

- That humanitarian assistance by the appropriate bodies of the United Nations aimed at the rescue of civilians in the Kelbadjar region of Azerbaijan be provided;
- That the open aggression conducted by the Republic of Armenia against the Azerbaijani Republic be condemned by the President of the Security Council;
- That a fact-finding mission be dispatched urgently to the zone of military action;
- That the ongoing Armenian aggression against the Azerbaijani Republic, aimed at tearing away the internationally recognized territories of Azerbaijan, be discussed at the meeting of the Security Council.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

**LETTER DATED 3 APRIL 1993 FROM THE
PRESIDENT OF AZERBAIJAN TO THE
SECRETARY-GENERAL AND THE PRESIDENT OF
THE SECURITY COUNCIL**

[Original: Russian]

The Republic of Armenia, flouting all moral standards, the Charter of the United Nations, the principles of the Conference on Security and Cooperation in Europe and the international rules of law, has perpetrated another flagrant act of barefaced aggression against the sovereign Azerbaijani Republic, the territory of which is internationally recognized. On 27 March, using aircraft, tanks and heavy equipment, the Republic of Armenia, yet again, violated our State frontier and attacked the Kelbadjar district of Azerbaijan. This attack was supported by an Armenian expeditionary force from the already occupied Azerbaijani territory in Upper Karabakh. As a result, the district, with its 60,000 inhabitants, has been surrounded and cut off from the outside world. The civilian population is being bombed and shelled when attempting to escape from the surrounded area. There have already been a large number of killed and wounded.

In this connection, I request:

- That active measures be taken by the Organization to provide the humanitarian assistance necessary to save the innocent civilian inhabitants of the Kelbadjar district of Azerbaijan;
- That the barefaced aggression by the Republic of Armenia against Azerbaijan be condemned by the President of the Security Council;

- That a fact-finding mission be dispatched urgently to the zone of military action;
- That the Armenian aggression against Azerbaijan, aimed at the seizure of internationally recognized territories of the Azerbaijani Republic, be discussed at a meeting of the Security Council.

(Signed) Abulfaz ELCHIBEY

DOCUMENT S/25529

Letter dated 5 April 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[5 April 1993]

Despite your statement on 3 April 1993, on behalf of the Security Council, demanding that the Serb aggressors strictly comply with all relevant resolutions of the Security Council, Serbian and Montenegrin aggressors and their proxies in Bosnia and Herzegovina have continued their aggression in the region of Srebrenica.

During the night of 4 April 1993, a convoy of armoured vehicles entered Zeleni Jadar, Republic of Bosnia and Herzegovina, from the territory of the Republic of Serbia. Since the morning of 4 April 1993, aggressor forces have been carrying out ground attacks on the Zeleni-Poddravje-Milici front. The ground offensive has been supported by heavy artillery shelling from Gunjaka. On the eastern front of Srebrenica, heavy shelling continues from all sides: from Skandorovica and Brozano; from Koprivas mountain and Derventa; and from Bratunac.

May I request your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations

DOCUMENT S/25531

Letter dated 3 April 1993 from the Secretary-General to the President of the Security Council

[Original: English]
[5 April 1993]

I have the honour to inform you that Mr. Abdel-Meguid, Secretary-General of the League of Arab States, in a meeting with me today, conveyed a message on behalf of the Ministers for Foreign Affairs of Algeria, Egypt, Libya,

Mauritania, Morocco, Tunisia and Syria, in connection with the forthcoming review by the Security Council of sanctions against the Libyan Arab Jamahiriya. The message is as follows:

"The seven-member Ministerial Committee of the League of Arab States is engaged in a serious effort to find a peaceful solution to the situation. They earnestly urge the Security Council not to take any action that might adversely affect their endeavours, for a period of at least three months.

"Mr. Abdel-Meguid will shortly be visiting New York and will personally explain his mandate to you as well as to members of the Security Council."

(Signed) Boutros BOUTROS-GHALI

DOCUMENT S/25535

Letter dated 5 April 1993 from the representative of Iraq to the Secretary-General

[Original: Arabic]
[6 April 1993]

On instructions from my Government, I have the honour to transmit to you herewith an information bulletin on the measures taken by Iraq during the month of March 1993 in implementation of Security Council resolution 687 (1991) of 3 April 1991.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

ANNEX

Information bulletin on the measures taken by Iraq in implementation of Security Council resolution 687 (1991) during the month of March 1993

I. INSPECTION TEAMS

1. Chemical Destruction Group (UNSCOM 38)

The Chemical Destruction Group that has been in the country since 18 June 1992 continued its work at the Muthanna Establishment. The group is supervising the destruction of chemical weapons and ordnance at this site, which is being carried out by the Iraqi side.

2. Interim missile monitoring team (UNSCOM 48)

The UNSCOM 48 ongoing monitoring team arrived in the country on 25 January 1993, and its mission focuses on interim monitoring at Iraqi industrial establishments. The work of the team lasted from the end of January to the end of March. During March, the members of the team made daily visits to the Ibn al-Haytham

Research and Design Centre and the Rafah site, and the team completed its work and left the country on 24 March.

3. *Eighteenth nuclear inspection team (UNSCOM 52)*

The team arrived in the country on 3 March 1993, and it consists of 24 inspectors led by Mr. Demetrius Perricos. Between 4 and 10 March, the team visited 28 sites in various parts of the country. They are: Tuwaitha; Salah al-Din Establishment; the State Establishment for Heavy Engineering Equipment at Dawrah; Musayyib Thermal Power Station; the Faculty of Science at Saddam University; Ninawa Governorate (Badush Dam, Al-Kindi Establishment and Jabir Establishment); Nasr Establishment; the stores of the Military Industrial Corporation at Taji; Ibn al-Haytham Centre; Badr State Establishment; the Tarmiyah site; the Sharqat site; Hattin Establishment; the State Vehicle Establishment at Iskandariyah; Amir factory; the Rafah site; Dhu al-Fiqar factory; Jazirah factory; the lead foundry belonging to the State Establishment for the Battery Industry; stores at the Khan Dari railway station; and the Abu Dulaf, Abbasiyah and Mahzam areas, and an area near the city of Beiji, all in the Salah al-Din Governorate.

Ten of these visits were unannounced and made without prior notification. The inspection schedules included all parts of the sites visited, and extended to civilian shelters, entry into the air ducts of heating and cooling systems, the taking of samples from water tanks and of soil samples, the inspection of drain-water conduits and entry through manholes to inspect drains from the inside.

During this visit, the team held three meetings with the Iraqi side in the course of which it raised many questions and inquiries to which the Iraqi side responded. The Chief Inspector of the inspection team and the Chief of IAEA [International Atomic Energy Agency] Action Team also addressed five letters to the Iraqi side, concerning the list of suppliers, the removal of spent nuclear fuel and the uses of certain materials and items of equipment and machinery, and the Iraqi side responded to all of them.

The team left the country on Thursday, 11 March 1993. Before its departure, Chief Inspector Perricos stated that his team had found nothing prohibited under the United Nations resolutions at the 28 sites it had visited, which included sites that had been visited for the first time.

4. *Joint inspection team (UNSCOM 53)*

The joint inspection team, UNSCOM 53, arrived in the country on 11 March 1993. It consisted of 18 inspectors led by the United States national David Franz, and the members of the team were specialists in the biological, chemical, missile and computer fields.

The team adopted the procedure of visiting sites after giving notification a short time in advance of proceeding there. The team visited the following sites: Muthanna Establishment; the Division of Agriculture and Biology of the Iraqi Atomic Energy Commission; Salah al-Din Establishment; the Salam factory at Salman Pak; Al-Kindi Company; and the Hakam factory. In addition, on 14 March 1993 the team made an unannounced visit to the Faculty of Veterinary Medicine at Baghdad University.

In all of these visits, the team found nothing to contradict the Iraqi declarations. The team left the country on 18 March 1993. After his arrival in Bahrain, the Chief Inspector stated that the mission of the team had been carried out in complete safety, that it had encountered no difficulties and that the Iraqi side had answered most of the questions raised by the team.

5. *Special Commission delegation of chemical experts*

On 14 March 1993, a delegation of chemical experts from the Special Commission arrived in the country led by the British national Ronald Manley. The delegation consisted of nine chemical experts. The objective of its visit was to monitor the destruction of chemical materials and ordnance at the Muthanna site and to ascertain the effectiveness of the work being carried out by the Iraqi side at the site under the supervision of the UNSCOM 38 Chemical Destruction Group. In addition to its daily visits to the Muthanna site, the delegation met on 17 March 1993 with the Director of the Military Industrial Corporation. At that meeting, the leader of the delegation expressed admiration and esteem for the efforts being made by the Iraqi side to facilitate the task of the UNSCOM 38 Chemical Destruction Group at the Muthanna site.

The delegation left the country on 20 March 1993.

6. *Special Commission helicopter unit*

During March 1993, the unit carried out the tasks assigned to it with the cooperation and facilitation of the Iraqi side. The unit carried out 20 flights for the purpose of carrying inspection teams to and from the sites to be inspected. The Aerial Inspection Team also carried out 13 flights in which it surveyed, photographed and inspected 25 sites.

7. *Second interim monitoring team (UNSCOM 54)*

The second interim monitoring team in the missile field, UNSCOM 54, arrived in the country on Saturday, 27 March 1993. The team consists of two groups. The first group comprises members of the staff of the Office of the Special Commission, a Russian national, Nikita Smidovich, and two Americans, Scott Ritter and Mark Silver. The task of this group is to conduct meetings with the Iraqi side with a view to bringing the appraisal of the missile programme to a definitive conclusion. The second group consists of five inspectors led by a United States national, Dennis Vincent, and its purpose is to continue the interim monitoring activities in the missile field that were begun by the UNSCOM 48 interim monitoring team. The two groups have begun work, and the first group has held a number of meetings with the Iraqi side. The second group, together with the first group, has visited the Taj al-Ma'arik factory of the Balat al-Shuhada' Works, Qa'qa State Establishment, Al-Yawm al-Azim factory, the Al-Mu'tasim Centre at Iskandariyah, Dhu al-Fiqar factory, the Rafah site, Ibn al-Haytham Research and Design Centre, and Project 144. The work of the second team is to continue for a period of time yet to be established, while the first group was expected to leave the country on Friday, 2 April 1993.

II. RETURN OF PROPERTY

1. During March 1993, the hand-over of heavy military equipment was completed at the Safwan hand-over point. The operation began at the end of February 1993, and during March the following equipment was handed over:

- 18 French 155-mm guns
- 18 French ammunition carriers
- 18 French 120-mm mortars
- 10 French command posts
- 88 Ferret armoured cars
- 20 American 155-mm guns
- 40 Centurion tanks

2. On 20 March 1993, the Iraqi side notified the office of the United Nations coordinator of the return of property of its agreement to hand over a HAWK-1 missile system. The hand-over will begin during the first week of April.

III. COMPENSATION

Iraq participated in the work of the ninth session of the United Nations Compensation Commission, held at Geneva from 29 March to 3 April 1993. At the session, the Iraqi delegation made a statement setting forth its views on the issues on the session's agenda.

IV. UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION

In the framework of consultation and cooperation between the Iraqi side and the United Nations Iraq-Kuwait Observation Mission (UNIKOM), the Director of the International Organizations and Conferences Department of the Ministry of Foreign Affairs received General Dibuama, Chief Military Observer, on 15 March 1993. In the course of the meeting, a number of issues were reviewed concerning the functioning of UNIKOM in the demilitarized zone.

DOCUMENT S/25536

Letter dated 2 April 1993 from the representative of France to the Secretary-General

[Original: French]
[6 April 1993]

On instructions from my Government, I have the honour to draw your attention to the situation in Rwanda, where developments are a matter of great concern.

On the ground, the provisions of the Dar-es-Salaam agreement, particularly those relating to the withdrawal of the warring forces, appear to be a long way from being fully implemented. Furthermore, with regard to the political process, the talks between the parties at Arusha are deadlocked. In that context, it is to be feared that the fighting will soon resume, leading to further massacres and to a very serious deterioration in the humanitarian situation.

In view of this risk, the French Government believes that the international community, particularly the United Nations, should take emergency action. The adoption of Security Council resolution 812 (1993) represents an initial stage in taking such action, which France, having taken the initiative in that connection, welcomes. The French Government believes that specific measures must now be taken to demonstrate the determination of the United Nations to promote a negotiated political settlement and to forestall a military solution.

We believe that United Nations military observers should be deployed at the border between Rwanda and Uganda as a matter of priority. We are of the view that such a deployment, which has been requested by the authorities of

Rwanda and Uganda, could reduce tension in the region and promote the negotiation process between the parties. The French Government hopes that an advance component of the observer contingent can be deployed immediately, in view of the urgency of the situation, and that recommendations will be submitted as soon as possible to the Security Council for the deployment of the remainder of the contingent. Moreover, it awaits with the keenest interest the report that the Security Council requested you, in resolution 812 (1993), paragraph 2, to make to it.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE
Permanent Representative of France
to the United Nations

DOCUMENT S/25538*

Letter dated 6 April 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

[Original: English]
[6 April 1993]

I have the honour to transmit to you the statement of 5 April 1993 issued by the Ministry of Foreign Affairs of the Democratic People's Republic of Korea.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Permanent Representative of the Democratic
People's Republic of Korea to the United Nations

TEXT OF THE STATEMENT

The United States and other forces hostile to us which have been threatening the Democratic People's Republic of Korea [DPRK] and putting pressure on it over the "problem of nuclear inspection" are now trying to interfere openly in its internal affairs and even take "sanctions" against it with the help of the United Nations.

At the meeting of the Board of Governors of the International Atomic Energy Agency (IAEA) on 1 April, the United States and its followers adopted by force a "resolution" on transferring the so-called "nuclear problem" of DPRK to the United Nations, defying the strong opposition of delegates of our country and various other countries.

This is an open hostile act of the United States and its followers to isolate and stifle our Republic at any cost.

*Incorporating document S/25538/Corr.1 of 12 April 1993.

Considering that the "resolution" of the IAEA Board of Governors is a grave encroachment upon the sovereignty of the Democratic People's Republic of Korea and the dignity of the nation, the Government of DPRK decisively rejects and condemns it.

There is no ground whatsoever for IAEA to refer our "nuclear problem" to the United Nations.

It is preposterous for the meeting of the IAEA Board of Governors to charge us with "non-compliance with the Safeguards Agreement" as we refused to allow the inspection of military sites.

The "two sites" the inspection of which was demanded by the IAEA secretariat are our military sites which have no relevance to nuclear activities and, accordingly, these are not subject to inspection under the Safeguards Agreement.

What is more, the secretariat made public the "satellite intelligence information" provided by the United States and, on this basis, demanded an inspection of our military facilities, claiming that they were nuclear-related facilities.

The fact itself that they spied on our country by an espionage satellite or by high-altitude reconnaissance plane was a violation of its sovereignty and it is still more shameless for them to try to reconfirm the "intelligence information" through IAEA.

By attempting to make an inspection on the basis of this false "information", the IAEA secretariat is joining the United States in the latter's sinister purpose of having our military facilities opened and disarming us.

Some officials of the IAEA secretariat and some member nations have brought our issue to the United Nations, deliberately ignoring our reasonable proposal and patient efforts to seek a negotiated settlement of the problem.

Ever since it signed the Safeguards Agreement, our Republic has not only faithfully fulfilled its commitments under it but provided every possible convenience and cooperation to the IAEA secretariat and inspectors in their full performance of their duties.

Even after the declaration of our withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), we made it clear that we were ready to fulfil our commitments under the Agreement and especially before the last meeting we made a proposal to hold negotiations with IAEA on the implementation of our obligations and have exerted efforts for its realization.

To our regret, our offer for negotiations was turned down. This was very abnormal and something unprecedented.

Such practices on the part of the United States and the IAEA secretariat diametrically run counter to the statute of IAEA and its provisions and the Safeguards Agreement.

Our refusal of the inspection of military sites can never be "non-compliance with the Safeguards Agreement". We have never rejected ad hoc inspection under the agreement.

The Director General of IAEA and some officials of the secretariat of the Agency and some of its member States hurriedly adopted a "resolution" to take our "nuclear problem" to the United Nations. This was based on a United States scenario and was intended to attain the sinister political purpose of stifling our socialism.

Some officials of the IAEA secretariat have thus systematically abused the statute of the Agency and the Safeguards Agreement to charge us with "non-compliance with the Safeguards Agreement" from the very beginning under the manipulation of the United States.

The reality proves more clearly how just it was for DPRK to withdraw from NPT.

No trace of international justice, impartiality and objectivity could be found in the words and deeds of the United States and some officials of the IAEA secretariat until now.

In actuality, South Africa has developed and manufactured nuclear weapons and Israel is said to possess nuclear weapons. But the United States and IAEA have never taken issue with them nor brought complaints against them at the United Nations.

IAEA, however, has transferred our "nuclear problem" to the United Nations, raising terrific outcries over fictitious "nuclear suspicion" and "inconsistency".

We cannot but take a serious view of such two-pronged "double standard" applied by the United States and the International Atomic Energy Agency.

Scores of years have passed since the statute of IAEA and the Safeguards Agreement were drafted. But never before had they been trampled upon and trifled with as today.

Judging from this, it is not our country but the United States and some officials of the IAEA secretariat that have failed to comply with the Safeguards Agreement. They have laid artificial obstacles to our implementation of the Safeguards Agreement.

It is none other than the United States which deserves complaints at the United Nations and sanctions of the international community. It, a depositary of the Treaty on the Non-Proliferation of Nuclear Weapons, has violated its obligations under the Treaty and ceaselessly increased nuclear threat to a non-nuclear State.

Our so-called "nuclear problem" is, in essence, not a problem between our country and the IAEA but a problem between us and the United States.

The so-called "nuclear problem" of ours, therefore, is not a matter to be discussed in the United Nations arena but a problem that should be resolved through negotiation between the DPRK and the United States.

All these facts show that the attempt to take our "nuclear problem" to the United Nations arena by charging us with "non-compliance" is an illegal act without any validity and legal ground.

The United Nations should not argue about our "nuclear problem" but pay due attention to the abuse of the statute and Safeguards Agreement by some officials of the IAEA secretariat and growing nuclear threat of the United States to us and take a practical step to check it.

As far back as in the 1950s, the United Nations became a warring side against DPRK, its name abused by the United States, and committed grave crimes against the Korean people and has not yet settled the abnormal past with our country.

If the United Nations follows in its past footsteps today when the cold war has ended, it will entail unpredictable consequences and leave another stain in its history.

There is no change in the DPRK Government's anti-nuclear peace policy and its stand for the denuclearization of the Korean peninsula.

Consistent likewise is our stand to fulfil our obligations under the Safeguards Agreement to the end and solve the problems arising in this by means of negotiation.

If the Security Council tries to put pressure on us and take "collective sanctions" against us by representing the will of a big Power, we will be compelled to take corresponding effective self-defensive measures.

We do not say empty words.

The Government of the Democratic People's Republic of Korea and the Korean people believe that the Governments and peoples of all countries that treasure peace and justice will extend support and solidarity to our just cause of removing nuclear threat from the Korean peninsula and safeguarding peace and security.

DOCUMENT S/25540*

Letter dated 6 April 1993 from the representative of Brazil to the Secretary-General

*[Original: English]
[6 April 1993]*

Upon instructions, I have the honour to forward herewith the text of a memorandum by the Government of Brazil dated 31 March 1993 on aspects related to the

implementation of Security Council resolution 808 (1993) of 22 February 1993, regarding the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly and of the Security Council.

*(Signed) Ronaldo Mota SARDENBERG
Permanent Representative of Brazil
to the United Nations*

TEXT OF THE MEMORANDUM

1. Brazil has condemned in the strongest terms the serious war crimes and crimes against humanity committed in the ongoing conflict in the territory of the former Socialist Federal Republic of Yugoslavia. Those horrendous acts have shocked and outraged the Government of Brazil and Brazilian society. They call for strong action by the international community, including through the United Nations, to uphold the fundamental values of justice and the dignity of the human person. There can be no doubt that the perpetrators of such crimes must be held personally accountable for their acts and must be brought to justice.
2. To that end, the Government of Brazil favours the establishment of an international tribunal to prosecute and try persons found to be responsible for serious violations of international humanitarian law committed in the territory of the former Socialist Federal Republic of Yugoslavia since the outbreak of conflict in 1991. In that spirit, Brazil voted in favour of Security Council resolution 808 (1993) of 22 February 1993 and attaches great importance to the work now being carried out by the Secretary-General in preparing the report to be submitted to the Security Council in accordance with paragraph 2 of that resolution.
3. The discussions and studies carried out for some time by the International Law Commission concerning the possibility of an international criminal jurisdiction and the related subject of a draft code of crimes against the peace and security of mankind are indicative of the legal and practical difficulties involved in the structuring and the operation of any such international jurisdiction. Not only are those difficulties of a technical nature, but they also relate to the problem of ensuring the political support that is required for an international court to be a meaningful institution.
4. The creation of an international criminal tribunal ought to reflect a careful and comprehensive examination of the extremely complex issues involved in this initiative. To that end, a wide spectrum of consultations with legal experts from different countries and different legal systems should prove to be extremely useful. Prior studies undertaken on this and related subjects, as well as the records of intergovernmental discussions and deliberations, such as those undertaken in the

*Circulated under the double symbol A/47/922-S/25540.

Sixth Committee of the General Assembly, can also provide valuable elements for the success of the endeavours resulting from resolution 808 (1993).

5. The Government of Brazil has carefully considered the suggestions submitted by other Member States, notably those contained in the documents recently submitted to the Security Council by France [S/25266], Italy [S/25300] and Sweden [S/25307] on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE). Brazil expresses its appreciation for the suggestions set out in those documents, which can constitute, in many aspects, important inputs for the work to be carried out by the Secretariat.

6. The general position of the Government of Brazil on this question was expressed in the statement made in the Security Council by the delegation of Brazil on the occasion of the adoption of resolution 808 (1993) [see 3175th meeting]. The following additional comments refer to specific aspects related to the implementation of that resolution. The Government of Brazil deems it important that these points be duly taken into account in the deliberations relating to the implementation of resolution 808 (1993).

7. The international tribunal referred to in paragraph 1 of resolution 808 (1993) should be an ad hoc independent non-political body. It should be impartial and effective in its work. All stages and aspects of its work must be accomplished in strict observance of the due process of law.

8. The international tribunal should be based on a solid legal foundation that ensures, in a transparent and unobjectionable manner, the legitimacy of its decisions. Legitimacy is required, first and foremost, as an essential element inherent in the idea of justice, but also as an important factor for the effectiveness of the work of the tribunal.

9. The question of the method by which the tribunal is to be established calls for particular attention.

10. It should be established in such a way as to allow it to have jurisdiction over all cases of serious violations of international humanitarian law committed in the territory of the former Yugoslavia by any of the parties to the conflict during an agreed period of time.

11. The international system is based on the existence of a plurality of equally sovereign States. In such a system, which lies at the very foundation of the United Nations, the assertion and the exercise of criminal jurisdiction are essential attributes of national statehood. As a result, criminal jurisdiction cannot be presumed to exist, virtually or in actuality, at the international level.

12. Except under very special circumstances, such as those which prevailed at the end of the Second World War and which made possible the establishment of the Nuremberg and Tokyo International Military Tribunals, criminal jurisdiction can only exist, and be exercised, at the international level if

and when it is conferred upon an international body by the State or States concerned.

13. In the light of the above, the most appropriate and effective method for establishing the international tribunal referred to in resolution 808 (1993) would appear to be along the lines suggested in the proposal for an international war crimes tribunal for the former Yugoslavia prepared by the CSCE rapporteurs [S/25307]. That method would include the conclusion of a convention setting up an ad hoc international jurisdiction and containing the terms of reference for its exercise, including the text of the statute of the international tribunal.

14. Reference should also be made in this regard to the report of the committee of jurists submitted by France, in which, although preference is expressed by the authors for the establishment of an ad hoc tribunal by a resolution of the Security Council adopted under Chapter VII of the Charter of the United Nations, possible alternative solutions are also discussed [S/25266].

15. The role of the Security Council regarding the establishment and functioning of the tribunal should remain within the limits of the very considerable powers expressly entrusted to it by the States Members of the United Nations in accordance with the Charter. The Government of Brazil is not convinced that the competence to establish and/or exercise a criminal jurisdiction is among the constitutional powers of the Council.

16. If the tribunal were to be established as a subsidiary organ of the Security Council or as an organ otherwise subordinated to the Council, its independence and impartiality could be questioned.

17. There is a need for a clear and unambiguous definition of the law to be applied by the tribunal, not least as regards the characterization of the crimes to be punished. The relevant international instruments in force in the territory of the former Socialist Federal Republic of Yugoslavia provide an important basis in this regard.

18. The work of the tribunal must be carried out with full respect for the human rights and fundamental freedoms of the defendants. International legal instruments in the field of human rights, especially the International Covenant on Civil and Political Rights, and generally accepted principles of criminal law must be fully respected.

19. This consideration is valid for all aspects of the work of the tribunal, including the assessment of penalties, one of the most sensitive questions related to the establishment of an ad hoc international criminal jurisdiction. In particular, it is essential that no form of cruel, inhuman or degrading punishment be included among the penalties to be imposed by the tribunal.

20. If the members of the Security Council do decide to create the tribunal by a resolution of the Council, consideration should be given to the adoption of measures

that would ensure the participation and involvement in this process, through the General Assembly, of the whole membership of the United Nations. In particular, it should be provided that the members of the tribunal be elected by the General Assembly and the Security Council, in a procedure analogous to that applicable to the election of the members of the International Court of Justice, so as to ensure that the body as a whole is based on equitable geographical representation and adequately represents the principal legal systems of the world.

21. Consideration could also be given to other suggestions for involving the General Assembly in the process of establishing the tribunal, such as that contained in paragraph 44 of the document submitted by France [*ibid.*].

22. It is the hope of the Government of Brazil that an effective international tribunal will be established, on a solid legal basis, to prosecute and try the persons responsible for the heinous war crimes and crimes against humanity committed in the territory of the former Socialist Federal Republic of Yugoslavia. Brazil stands ready to participate in deliberations to that end, on the basis of the report to be submitted to the Security Council by the Secretary-General.

DOCUMENT S/25541

Note by the President of the Security Council

[Original: English]
[6 April 1993]

The attached letter dated 24 March 1993 addressed to the President of the Security Council is circulated herewith.

TEXT OF THE LETTER

REPUBLIC OF MACEDONIA
GOVERNMENT

24 March 1993

Your Excellency,

I have the honour to address you with regard to the application of the Republic of Macedonia for admission to the United Nations, dated 30 July 1992 [S/25147, *annex*] and to the informal consultations of the members of the Security Council on the subject.

On behalf of the Government of the Republic of Macedonia I would like to express to you and to the members of the Security Council our appreciation for recommending my country for membership in the United Nations.

However, I wish to bring to your attention our disappointment that it has not proved possible for the Security Council to adopt the standard straightforward resolution on admission of new Members.

Regardless of our concerns I would like to assure you that the Republic of Macedonia is able and willing to carry out the obligations under the Charter of the United Nations. We shall proceed with our policy of good-neighbourly relations and cooperation aiming at establishing our country as a factor of peace and stability in the region and in the broader international community.

I would also like to express our willingness to continue to cooperate with the co-chairmen of the Steering Committee of the International Conference on the former Yugoslavia in setting up a mechanism to settle the difference that has arisen and to promote confidence-building measures with the Republic of Greece, on the clear understanding that this in no way affects the completion of the process of the admission of the Republic of Macedonia to the membership in the United Nations.

The Republic of Macedonia will in no circumstances be prepared to accept the "former Yugoslav Republic of Macedonia" as the name of the country. We refuse to be associated in any way with the present connotation of the term "Yugoslavia".

Please accept the assurances of my highest consideration.

Yours sincerely,
(Signed) Branko CRVENKOVSKI
President of the Government of
the Republic of Macedonia

DOCUMENT S/25542

Note by the President of the Security Council

[Original: English]
[6 April 1993]

The attached letter dated 5 April 1993 addressed to the President of the Security Council is circulated herewith.

TEXT OF THE LETTER

GOVERNMENT OF THE
REPUBLIC OF MACEDONIA

5 April 1993, Skopje

Your Excellency,

In addition to my letter dated 24 March 1993 [*document S/25541 above*], addressed to your predecessor, to whom we communicated our position with regard to the relevant draft resolution before the Security Council, I would like to inform you that the Government of the Republic of Macedonia will submit the proposals for promotion of confidence-building measures with the Republic of Greece to the Co-chairmen of the Steering Committee of the International Conference on the former Yugoslavia.

Please accept the assurances of my highest consideration.

Yours sincerely,
(Signed) Branko CRVENKOVSKI
*President of the Government of
the Republic of Macedonia*

DOCUMENT S/25543

**Letter dated 6 April 1993 from the representative of
Greece to the President of the Security Council**

[Original: English]
[6 April 1993]

With reference to the application for membership circulated in document S/25147 of 22 January 1993, I have the honour to forward herewith a letter dated 6 April 1993 addressed to you by the Minister for Foreign Affairs of Greece, Mr. Michael Papaconstantinou.

(Signed) Antonios EXARCHOS
*Permanent Representative of Greece
to the United Nations*

**LETTER DATED 6 APRIL 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF GREECE TO THE
PRESIDENT OF THE SECURITY COUNCIL**

I write to inform you that the Government of Greece considers the draft resolution currently before the Security Council an acceptable basis for addressing the issue of the application of the Former Yugoslav Republic of Macedonia [FYROM] for admission to the United Nations.

My Government considers the three main elements of this resolution, namely the settlement of the difference over the name of the applicant state, the adoption of appropriate confidence-building measures and the procedure for admitting the new state to the United Nations under a provisional name, an integral and indivisible package which alone can resolve the outstanding differences between Greece and the new Republic.

Indeed, the ultimate objective of the matter is the normalization of the relations between Greece and the FYROM. Only if this objective is reached, can peace and stability in our region be assured. Our position regarding the causes of these differences and the means to address and permanently eradicate them are included in the memorandum which we submitted to the Secretary-General on 25 January 1993 [S/25158, annex].

One thing must be clear at the very outset. Together with the resolution of the issue of the name, Greece attaches the highest importance to the adoption and implementation of a set of appropriate confidence-building measures (CBMs) by the new state vis-à-vis Greece. Such measures were already included in the so-called Pinheiro Package which was put together by the Portuguese Presidency of the European

Community in the spring of 1992. The CBMs must aim at securing, *inter alia*:

- Legal and political guarantees that the new state harbours no territorial claims against Greece (which should include amendments of certain provisions of the 1991 Constitution of the FYROM, as references to the "protection" of non-existing minorities in the neighbouring countries of this new Republic), and guarantees of the existing borders by both sides.
- The cessation of all hostile propaganda, particularly acts which could provoke public opinion and impede efforts towards establishing good neighbourly relations.
- The termination of the use of Greek symbols - such as the Sun of Vergina - as symbols of the new Republic. This is of paramount importance to the Greek people.

Finally, since one of the issues for the confidence-building measures is the question of the flag, I should like to underline - as I have done in verbal communications to your distinguished predecessors - that the hoisting and flying at the United Nations of the flag bearing the Sun of Vergina would result in great damage to the efforts undertaken by the Co-chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and render more difficult, if not defeat, a solution.

I should be grateful to you, Mr. President, if you would bring the serious concerns of my Government to the attention of the Secretary-General so that the problems that might be created by the hoisting of the flag be avoided.

(Signed) Michael PAPACONSTANTINO
Minister for Foreign Affairs of Greece

DOCUMENT S/25544

**Report of the Committee on the Admission of New
Members concerning the application for admission to
membership in the United Nations contained in
document S/25147**

[Original: English]
[7 April 1993]

1. At the 3195th meeting, on 6 April 1993, the Security Council had before it the application for admission to membership in the United Nations contained in document S/25147. In accordance with rule 59 of the provisional rules of procedure of the Security Council and in the absence of a proposal to the contrary, the President of the Council referred the application to the Committee on the Admission of New Members for examination and report.

2. At its 93rd meeting, on 7 April 1993, the Committee considered the application and unanimously decided to recommend to the Security Council that the State whose

application is contained in document S/25147 should be admitted to membership in the United Nations.

3. The Committee further decided to recommend to the Security Council that it should have recourse to the provision of the last paragraph of rule 60 of its provisional rules of procedure.

4. Accordingly, the Committee recommends to the Security Council the adoption of the following draft resolution:

"The Security Council,

"Having examined the application for admission to the United Nations in document S/25147,

"Noting that the applicant fulfils the criteria for membership in the United Nations laid down in Article 4 of the Charter of the United Nations,

"Noting, however, that a difference has arisen over the name of the State, which needs to be resolved in the interest of the maintenance of peaceful and good neighbourly relations in the region,

"Welcoming the readiness of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, at the request of the Secretary-General, to use their good offices to settle the above-mentioned difference, and to promote confidence-building measures among the parties,

"Taking note of the contents of the letters contained in documents S/25541, S/25542 and S/25543 received from the parties,

"1. Urges the parties to continue to cooperate with the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in order to arrive at a speedy settlement of their difference;

"2. Recommends to the General Assembly that the State whose application is contained in document S/25147 be admitted to membership in the United Nations, this State being provisionally referred to for all purposes within the United Nations as 'the former Yugoslav Republic of Macedonia' pending settlement of the difference that has arisen over the name of the State;

"3. Requests the Secretary-General to report to the Council on the outcome of the initiative taken by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia."

DOCUMENT S/25546

Letter dated 6 April 1993 from the representatives of France, Spain and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

*[Original: Spanish]
[7 April 1993]*

We have the honour to bring to your attention the declaration on the former Yugoslavia adopted by the European Community and its member States on 5 April 1993.

We should be grateful if you would have this letter and the declaration circulated as a document of the Security Council.

*(Signed) Jean-Bernard MERIMEE
Permanent Representative of France
to the United Nations*

*(Signed) Antonio PEDAUYE
Chargé d'affaires a.i. of the
Permanent Mission of Spain
to the United Nations*

*(Signed) Sir David HANNAY, KCMG
Permanent Representative of the United Kingdom
Great Britain and Northern Ireland
to the United Nations*

TEXT OF THE DECLARATION

[Original: English/French]

The Community and its member States express great concern at the reiterated refusal of the Bosnian Serb leaders to sign the Vance Owen peace plan. They continue to demand that the plan be accepted by all three parties and consequently implemented. To this end, full international pressure is now being put on the Bosnian Serbs and on the authorities at Belgrade. The Community and its member States continue to make sanctions more effective, even further isolating Serbia/Montenegro. In this respect they welcome the decision adopted today by the Extraordinary Council of Ministers of the WEU [Western European Union] on measures to strengthen the enforcement of the United Nations embargo on the Danube.

The Bosnian Serbs have repudiated the peace plan. The Community and its member States have repeatedly made it clear (European Council 11-12 December 1992, 1 February 1993) that non-acceptance of the peace plan would have the most severe consequences and would lead to total international isolation of Serbia/Montenegro. It is now time to take concrete steps down that route. The Community and its member States have elaborated a package of possible measures for such a contingency. They therefore welcome the fact that the Security Council is at present dealing with a draft resolution supporting the peace plan and strengthening the sanctions regime, which contains essential elements of the European concept. The Community and its member States trust that the European members of the Security Council will continue their efforts with a view to the adoption, without delay, of a resolution in accordance with this concept.

If the present policies of the Serb side are carried on, the Bosnian Serbs and Serbia/Montenegro will remain isolated for years to come. However, if the Bosnian Serbs accept the peace plan and it is being fully implemented in good faith, this pressure will gradually be lifted, leading to the full readmittance of Serbia/Montenegro to the international community.

The Community and its member States are deeply worried about the humanitarian situation in Bosnia and Herzegovina, especially its eastern part. They strongly demand that Serb attacks stop and that humanitarian assistance immediately be given free access.

The Community and its member States welcome the prolongation of the UNPROFOR [*United Nations Protection Force*] mandate. They urge the Croatian Government and the Serbs in Croatia to negotiate successfully a settlement of the disputes between them, based on the principles of the Vance plan.

The Community and its member States, expressing their full support for the international conference, warmly thank Cyrus Vance for his great contribution to it and look forward to cooperating with Thorvald Stoltenberg.

DOCUMENT S/25551

Letter dated 6 April 1993 from the representative of Italy to the Secretary-General

[Original: English]
[7 April 1993]

I have the honour to transmit to you the text of a Declaration on the implementation of the United Nations sanctions on the former Yugoslavia, issued by the Western European Union on the occasion of the Council of Ministers which took place in Luxembourg on 5 April 1993.

I should be grateful if the text would be circulated as a document of the Security Council.

(Signed) Mario SCIALOJA
Chargé d'affaires a.i.
of the Permanent Mission of Italy
to the United Nations

TEXT OF THE DECLARATION

[Original: English/French]

1. The WEU [*Western European Union*] Council of Ministers held an extraordinary meeting, following on their discussions at Rome in November 1992, to discuss this crucial phase of the situation in former Yugoslavia and in particular the conflict in Bosnia and Herzegovina. Representatives of Bulgaria, Hungary and Romania, the CSCE [*Conference on Security and Cooperation in Europe*] Presidency, the CSCE Sanctions Coordinator and the EC Commission attended, as observers, this meeting which was devoted to sanctions implementation on the Danube. Representatives of the EC Presidency and the Secretary-General of NATO [*North Atlantic Treaty Organization*] also attended as observers.

2. With a view to supporting the efforts of the European Community, the United Nations and the International Conference on Former Yugoslavia at this decisive stage of the negotiations aiming at the acceptance of the Vance-Owen peace plan by all parties in Bosnia and Herzegovina, Ministers reaffirmed their determination to contribute significantly to the implementation of the provisions of the Security Council resolutions 787 (1992), 757 (1992) and 713 (1991) and of the measures contained in those resolutions.

3. Ministers welcomed the efforts of the riparian States to meet their obligations under the above-mentioned Security Council resolutions but noted with concern that, despite these efforts, sanctions enforcement on the Danube still required strengthening.

4. WEU Ministers therefore offered their concrete support to the riparian States by means of the organization of a police and customs operation on the Danube to which WEU countries would contribute appropriate resources. This offer is based on three guiding principles - that the operation will be:

- Based on relevant Security Council resolutions, in particular resolution 787 (1992), in connection with resolutions 713 (1991) and 757 (1992);
- An extension of efforts already being deployed by the CSCE and the European Community and its member States;
- In support of the riparian States responsible for adopting the requisite measures to ensure compliance with the embargo on the Danube.

5. WEU Ministers welcomed the support given by the CSCE to the WEU plan and looked forward to the effective coordination of the EC, CSCE and WEU efforts to enforce Security Council resolutions.

6. The organization of the police and customs operation offered by WEU would be based on a system of coordinated control areas upstream and downstream of the Serbian border with the aim of ensuring the effective implementation of the embargo on the Danube. This would involve joint teams of police and customs officers from WEU countries and the riparian States operating from fast patrol boats to carry out additional controls in support of those of the riparian States.

7. The WEU Council of Ministers welcomed the support given by the riparian States and looked forward to further consultations on this issue. They hoped that the police and customs operation could start as soon as possible in order to ensure the full implementation of the relevant resolutions of the Security Council and thus to make a positive contribution to reaching a solution to the crisis in former Yugoslavia, in full complementarity with the peace process which is being pursued in other forums.

DOCUMENT S/25552*

**Letter dated 7 April 1993 from the representative of
Costa Rica to the Secretary-General**

*[Original: Spanish]
[7 April 1993]*

I have the honour to send you the attached Declaration of the Government of Costa Rica relating to the resolution adopted on 1 April by the Board of Governors of the International Atomic Energy Agency, which agreed to report to the Security Council the refusal of the Democratic People's Republic of Korea to permit nuclear inspection and its failure to comply with the nuclear safeguards agreement.

I should be very grateful if you would arrange to have the present document circulated as a document of the General Assembly and of the Security Council.

*(Signed) Cristian TATTENBACH
Permanent Representative of Costa Rica
to the United Nations*

TEXT OF THE DECLARATION

The Government of Costa Rica urges North Korea to agree to nuclear inspection by the International Atomic Energy Agency and to revoke its decision to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons as soon as possible in recognition of the fact that that is the wish of the international community.

DOCUMENT S/25553

**Letter dated 7 April 1993 from the representative of
Azerbaijan to the President of the Security Council**

*[Original: Russian]
[8 April 1993]*

I have the honour to inform you that, having completed their occupation of the Kelbadjar district and totally cutting it off, together with the Lachin district, from the rest of Azerbaijan, over the last few days, the Republic of Armenia has stepped up its propaganda efforts. In official statements by the leaders of the Republic of Armenia and representatives of the occupational administration of Nagorny-Karabakh, appeals have started reappearing for a "halt to the hostilities", "an immediate and unconditional truce" and "the search for a peaceful compromise to solve the Karabakh problem".

The very fact that these appeals are being made in a context of increased military activity carried out simultaneously on several fronts by the Republic of Armenia only reaffirms the unwavering nature of its approach to the

Armenian-Azerbaijani conflict. The essential aim of this approach, repeatedly promulgated by the highest officials of Armenia, is to use military pressure to win concessions in political and diplomatic areas. It is also evident that the efforts by the Armenian side are confined to the traditional pattern of its anti-Azerbaijani policy: "aggression - defensive propaganda - setting forth extravagant political demands - further aggression".

The thrust of the current propaganda efforts by the authorities of the Republic of Armenia is to divert the attention of the entire world from the *fait accompli* of the occupation of new Azerbaijani territory and from the plans already being implemented to effect further expansion deep into the territory of the Azerbaijani Republic.

In this way, attempts are being made to disguise the precedent of the overt armed invasion by troops of the Republic of Armenia into the territory of the Azerbaijani Republic, and to create, through propaganda, a favourable atmosphere for continued offensive actions by the army of Armenia in the districts of the Azerbaijani Republic bordering on Karabakh.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Hassan HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

DOCUMENT S/25555

**Report of the Secretary-General pursuant to Security
Council resolutions 802 (1993), 807 (1993) and 815
(1993)**

*[Original: English]
[8 April 1993]*

INTRODUCTION

1. In its resolution 815 (1993) of 30 March 1993, the Security Council decided to reconsider, one month after the date of the resolution, or at any time at the request of the Secretary-General, the mandate of the United Nations Protection Force (UNPROFOR) in light of developments of the International Conference on the Former Yugoslavia and the situation on the ground. In my report [S/25470], I stated that any change to UNPROFOR's strength and deployment that may be necessitated by the success of ongoing negotiations in respect of either Croatia or Bosnia and Herzegovina would be brought separately to the attention of the Security Council together with revised estimates of their financial implications.

**AGREEMENT IN IMPLEMENTATION OF SECURITY
COUNCIL RESOLUTION 802 (1993)**

2. On 6 April 1993 at Geneva, representatives of the Government of Croatia and of the Serb local authorities have signed an Agreement regarding the implementation of

*Circulated under the double symbol A/48/131-S/25552.

Security Council resolution 802 (1993). The text of the Agreement is attached as an annex to the present report.

3. According to its paragraph 7, the Agreement shall enter into force when the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia have received from both parties assurances regarding the stationing of police in the areas from which the Croatian Government's armed forces are to withdraw, and their agreement that UNPROFOR shall exclusively fulfil all police functions in those areas during an interim period.

4. Paragraph 6 of the Agreement provides that in order to enable UNPROFOR to carry out its functions as foreseen under the Agreement, UNPROFOR is to re-establish and strengthen its military and police presence in each area from which the Croatian Government's armed forces are to withdraw before such area is vacated.

5. The Force Commander of UNPROFOR has assessed the additional resources required to implement the Agreement and has recommended that UNPROFOR be augmented by two mechanized infantry battalions of some 900 all ranks each, one engineer company of up to 150 troops all ranks, and 50 additional Military Observers. The requirements for Civil Police will at this stage be covered by redeployment from within the existing resources of UNPROFOR.

6. I concur with the assessment of the Force Commander, and therefore recommended that, once the assurances referred to in paragraph 3 above are received, the Security Council approve the recommended changes to UNPROFOR's strength and mandate. In light of the short deadlines envisaged in the Agreement, the requirement for Military Observers will be met initially by temporary redeployment within UNPROFOR or from other existing United Nations peace-keeping operations.

7. Preliminary estimates of the additional costs to the United Nations will appear as an addendum to the present report.

ANNEX

International Conference on the Former Yugoslavia: Agreement in implementation of Security Council resolution 802 (1993)

1. In implementation of paragraph 1 of Security Council resolution 802 (1993), the armed forces of the Republic of Croatia shall cease hostile activities within or adjacent to the United Nations Protected Areas at 0001 hours on the fourth day after the entry into force of the present Agreement. The Government of the Republic of Croatia and the Serb local authorities shall henceforth comply strictly with the cease-fire arrangements already agreed.

2. The armed forces of the Republic of Croatia shall commence, within five days of the cessation of hostilities pursuant to paragraph 1, to return to the lines of confrontation existing before the outbreak of hostilities on 22 January 1993 and shall complete this return within a further five days, in accordance with a schedule established

by UNPROFOR [*United Nations Protection Force*]. No armed forces of the Serb local authorities shall move into any area from which the Croatian Government armed forces thus withdraw.

3. In parallel to the withdrawal of Croatian Government armed forces pursuant to paragraph 2 and in accordance with a schedule established by UNPROFOR that may not extend beyond 10 days after the cessation of hostilities pursuant to paragraph 1, all heavy weapons shall be placed under the supervision of UNPROFOR in accordance with the Vance plan.

4. Maslenica Bridge, Zemunik Airport and Peruca Dam, including their associated facilities, as well as the roads from Zadar to the bridge, that from Zadar to the airport, that from the bridge via Rovanijska to Seline, and that from Sinj to the dam, are to be available for civilian use by all persons. In the areas referred to in paragraph 2 above, such use, as well as all necessary reconstruction, shall be under the exclusive control of UNPROFOR.

5. The parties agree to begin, under the auspices as appropriate of UNPROFOR or the ICFY Steering Committee Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, to implement immediately the remaining provisions of the Vance plan and of all relevant Security Council resolutions, including 762 (1992). To this end the parties shall commence talks, under the auspices of the Co-Chairmen, no later than 15 days after the entry into force of the present Agreement.

6. In order to enable UNPROFOR to carry out the functions foreseen for it under the present Agreement, UNPROFOR is to re-establish and strengthen its military and police presence in each area from which Croatian Government armed forces are to withdraw pursuant to paragraph 2 above, before such area is vacated. The parties shall request the United Nations to strengthen UNPROFOR to carry out these functions under the Vance plan.

7. The present Agreement shall enter into force when the Co-Chairmen have received from both parties the assurances referred to in the present annex.

(Signed) Z. LEROTIC

(Signed) S. JARCEVIC

Witnessed by:

(Signed) D. OWEN

Geneva, 6 April 1993

DOCUMENT S/25556*

Note by the Secretary-General

[Original: English]
[12 April 1993]

The Secretary-General has the honour to transmit to the members of the General Assembly and of the Security Council a letter dated 6 April 1993 addressed to him by the Director General of the International Atomic Energy Agency transmitting his report on behalf of the Board of Governors of the Agency concerning non-compliance with safeguards obligations.

* Circulated under the double symbol A/48/133-S/25556.

TEXT OF THE LETTER

Further to my letter to you of 1 April 1993, I attach herewith a report entitled "Report by the Director General of the International Atomic Energy Agency on Behalf of the Board of Governors to the Security Council and to the General Assembly of the United Nations on the Non-compliance of the Democratic People's Republic of Korea with the Agreement between the IAEA and the Democratic People's Republic of Korea for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (INFCIRC/403) and on the Agency's Inability to Verify the Non-Diversion of Material Required to be Safeguarded".

As explained in my letter, the report is submitted pursuant to paragraphs 4 and 5 of the resolution (GOV/2645) adopted by the Agency's Board of Governors on 1 April 1993.

I should be grateful if you would now bring the report to the attention of the Security Council and of the General Assembly. It is being circulated as a separate document to States members of the International Atomic Energy Agency.

(Signed) Hans BLIX

DOCUMENT S/25559

**Letter dated 8 April 1993 from the representatives of
Algeria, the Libyan Arab Jamahiriya, Mauritania,
Morocco and Tunisia to the President of the Security
Council**

*[Original: Arabic]
[8 April 1993]*

In keeping with the responsibilities of their role in the maintenance of international peace and security and the strengthening of cooperation between States, the countries of the Arab Maghreb Union, which are striving to make that institution a factor for stability at the regional and international levels, express their commitment to working together with the international community to establish a world order where peace, security, cooperation and respect for human rights prevail.

In endeavouring to achieve that objective, the countries of the Union are pursuing their efforts at a time when the region is experiencing a situation requiring accelerated action to eliminate sources of tension so that those efforts can be directed towards ensuring relations of security, peace and stability in the region and taking action to promote progress and development.

In that connection, the ongoing crisis between the Libyan Arab Jamahiriya and certain Western countries has from its onset been a source of anxiety to the countries of the Arab Maghreb Union owing to its adverse repercussions on the region.

On the basis of the communiqué issued by the Council of Foreign Ministers of the Arab Maghreb Union at its extraordinary meeting held at Rabat, on 10 December 1992, and on instructions from our respective Governments, we should like to draw the attention of the members of the Security Council to the difficulties encountered and the damage sustained by the countries of the Union as a result of their continued application of Security Council resolution 748 (1992).

It is not the intention of the member countries to enumerate the difficulties and damage in an exhaustive and detailed manner at the present time, and they may perhaps provide particulars on a subsequent occasion. They can, however, be summarized as follows:

Disruption of the functioning of the Arab Maghreb Union, its activities and the meetings of its subsidiary organs at all levels,

An adverse impact on the execution of joint economic projects, current or prospective, involving the Libyan Arab Jamahiriya and other members of the Union, which has extended to air transport, trade, technical cooperation, investment, agriculture, industry, employment, energy, the movement of persons, tourism and the development of frontier zones.

The net effect is to hold up the economic integration of the countries of the region, to say nothing of the human suffering being endured by its peoples.

The States of the Arab Maghreb Union, while reaffirming their continuing resolve to respect international legitimacy and their condemnation of terrorism in all its forms, express the hope that all parties will work to settle this crisis by peaceful, just and honourable means.

In light of the good offices currently being exercised at all levels, in the Maghreb and in the Arab world, with a view to securing compliance with Security Council resolution 731 (1992) and identifying the appropriate means of giving practical effect to the resolution in accordance with international conventions and international law, the States of the Arab Maghreb Union urge the Security Council to reconsider its resolutions so that the embargo and the restrictions imposed on the Libyan Arab Jamahiriya can be lifted. They hope that the Security Council will take this step in order to end the suffering, eliminate the risks inherent in the continued application of the sanctions or their strengthening and enable the countries of the Arab Maghreb Union and their peoples to direct their efforts to development and to making their contribution to the strengthening of international peace and security.

*The document is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

We should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hamadi KHOUINI *Permanent Representative of the Republic of Tunisia to the United Nations* (Signed) Mohammed Nacer BENJELLOUN-TOUMI *Acting Permanent Representative of the Kingdom of Morocco to the United Nations*

(Signed) Rabah HADID *Deputy Permanent Representative of the People's Democratic Republic of Algeria to the United Nations* (Signed) Ali Ahmed ELHOUDERI *Permanent Representative of the Libyan Arab Jamahiriya to the United Nations*

(Signed) Mohamedou OULD MOHAMED MAHMOUD *Permanent Representative of the Islamic Republic of Mauritania to the United Nations*

DOCUMENT S/25560

Letter dated 8 April 1993 from the representative of Turkey to the President of the Security Council

[Original: English]
[8 April 1993]

In my capacity as the representative of the country that is the current Chairman of the Islamic Conference of Foreign Ministers, I have the honour to transmit herewith the text of the statement made by the OIC [Organization of the Islamic Conference] group at the United Nations on recent Armenian aggression against Azerbaijan.

I should be grateful if the text of the present letter and the annex would be circulated as a document of the Security Council.

(Signed) Mustafa AKŞIN
Permanent Representative of Turkey to the United Nations

ANNEX

Statement of the group of the Organization of the Islamic Conference at the United Nations

The members of the Organization of the Islamic Conference (OIC), bearing in mind the ongoing tragedy in the Republic of Bosnia and Herzegovina, met in New York on 8 April 1993 to consider the serious situation resulting from the aggression carried out by Armenian forces in Azerbaijani territory.

The members were addressed by Mr. Tovfik Kasimov, the Minister for Foreign Affairs of the Azerbaijani Republic. In his address, the Minister informed the members of the situation in his country as a consequence of the occupation of Kelbadjar district of Azerbaijan by Armenian forces. The members expressed their appreciation for the information provided by the Minister and voiced their deep concern at the serious deterioration in the conflict between Armenia and Azerbaijan which they saw as a threat to the security of regional States as well as to international peace and security.

The members noted with gratitude the press statement made by the Secretary-General of the Organization of the Islamic Conference, Mr. Hamid Algabid, a copy of which is attached. They expressed their full support for this statement.

While condemning Armenia for its recent aggression, the members called upon the Security Council to take action commensurate with the gravity of the aggression when it considers this question upon receipt of the report of the Secretary-General of the United Nations called for in the statement made by the President of the Security Council on 6 April 1993 [S/25539].

The members of the OIC decided to remain seized of the matter.

APPENDIX

Press statement of 4 April 1993 made by the Secretary-General of the Organization of the Islamic Conference on the intensification of fighting between Azerbaijan and Armenia

Mr. Hamid Algabid, Secretary-General, has expressed the deep concern of the Organization of the Islamic Conference (OIC) about the intensification of armed hostilities between Azerbaijan and Armenia recently, following the Armenian offensive against the Azeri town of Kelbadjar.

The Secretary-General has noted with great anxiety and concern that this Armenian offensive has resulted in a serious escalation and expansion of the conflict, which according to reports has also received foreign encouragement and support.

The Secretary-General condemned the Armenian aggression and capturing of Azeri territory and expressed the total solidarity of the OIC with the Government and people of Azerbaijan in their efforts to defend the independence, sovereignty and territorial integrity of their country.

The Secretary-General recalled that the Organization of the Islamic Conference has repeatedly appealed to Armenia to renounce its aggressive policy of expansionism and supported all efforts, notably by the regional States and CSCE [Conference on Security and Cooperation in Europe] to achieve a peaceful settlement of the conflict.

The Secretary-General called upon Armenia to abide by its commitments under the Charter of the United Nations and international law and withdraw its forces from the territory of Azerbaijan and seek negotiated settlement of the Upper Karabakh issue.

The Secretary-General called upon the States concerned to refrain from encouraging any escalation and extension of the conflict by Armenia and scrupulously to abide by the principle of non-interference.

The Secretary-General also appealed to the international community, particularly neighbouring countries, the regional States and the CSCE to intensify their efforts to persuade Armenia to end the hostilities and join Azerbaijan in the quest for an honourable and peaceful settlement based on the principles of respect for the internationally recognized borders and territorial integrity of States.

DOCUMENT S/25563

**Letter dated 7 April 1993 from the representative of
Denmark to the Secretary-General**

*[Original: English]
[8 April 1993]*

I have the honour to transmit herewith the text of a statement on Cambodia issued by the European Community and its member States on 7 April 1993.

I should be grateful if you would have the present letter and the attached statement circulated as a document of the Security Council.

*(Signed) Bent HAAKONSEN
Permanent Representative of Denmark
to the United Nations*

TEXT OF THE STATEMENT

[Original: English/French]

The European Community and its member States refer to Security Council resolution 810 (1993) on the situation in Cambodia, which stipulates the official start as of today, 7 April 1993, of the campaign for the elections to the Constituent Assembly to be held from 23 to 27 May 1993.

The Community and its member States express their continued strong support for the implementation of the Paris agreements. They congratulate the Secretary-General, his Special Representative and UNTAC [United Nations Transitional Authority in Cambodia] on their success in implementing the provisions of the agreements to the fullest extent possible, particularly in electoral registration and the return of refugees and displaced persons to Cambodia.

It is of utmost importance that the remaining phase of the election process organized by the United Nations be implemented in a peaceful and secure environment, without political intimidation and harassment, to ensure free and fair elections. The Community and its member States call on all parties to cooperate with UNTAC towards this objective and to respect fully their obligations under the Paris agreements. They also urge the parties to commit themselves to accept and abide by the outcome of the elections.

In underlining the need for a peaceful climate for free and fair elections in Cambodia, the European Community and its member States express their deep concern at the continued cease-fire violations, in particular the recent increase in attacks on both UNTAC military and civilian personnel and the brutal attacks against groups of Vietnamese origin. They strongly condemn these actions and urge all Cambodian parties to work for an immediate cessation of such activities.

DOCUMENT S/25564

**Letter dated 7 April 1993 from the representative of
Denmark to the Secretary-General**

*[Original: English]
[8 April 1993]*

I have the honour to transmit herewith the text of a statement on Nagorny-Karabakh issued by the European Community and its member States on 7 April 1993.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

*(Signed) Bent HAAKONSEN
Permanent Representative of Denmark
to the United Nations*

TEXT OF THE STATEMENT

[Original: English/French]

The Community and its member States are seriously concerned about the latest degradation of the relations between the Republic of Armenia and the Republic of Azerbaijan on the Nagorny-Karabakh conflict. The Community and its member States regret the enlargement of the combat zone to Kelbadjar and the Fizuli area. The Armenian Government is strongly urged to use its influence on the Nagorny-Karabakh forces for an immediate withdrawal from the Azeri territory and to stop the fighting in the area. All parties are requested not to withdraw from the ongoing negotiations in the Minsk Group of the CSCE [Conference on Security and Cooperation in Europe] due to the recent events.

DOCUMENT S/25565/REV.1

**Letter dated 8 April 1993 from the representative of
Bulgaria to the President of the Security Council**

*[Original: English]
[15 April 1993]*

Upon instructions from my Government, I have the honour to transmit attached herewith the Declaration by the Ministry of Foreign Affairs of the Republic of Bulgaria regarding the assassination of three members of the Bulgarian military contingent of the United Nations Transitional Authority in Cambodia on 2 April 1993.

I should be grateful if you would have the present letter and the Declaration circulated as a document of the Security Council.

*(Signed) Slavi PASHOVSKI
Permanent Representative of Bulgaria
to the United Nations*

TEXT OF THE DECLARATION

The Ministry of Foreign Affairs of the Republic of Bulgaria strongly condemns the deliberate armed attacks against the Military Contingent of the United Nations Transitional Authority in Cambodia (UNTAC). As a result of the attacks in the night of 2 April 1993 in the region of Phum Prek, Kompong Speu Province, three Bulgarian soldiers were killed and three others were seriously wounded.

It was with deep sorrow and indignation that the Bulgarian public learned about the tragic death of the Bulgarian servicemen in Cambodia. It expresses its serious concern at the escalation of the tension in that country with the approach of the general elections to be held in pursuance of the Paris agreements of 23 October 1991 [see S/23177].

The Ministry of Foreign Affairs of the Republic of Bulgaria calls upon all parties engaged in the process of finding a political settlement of the conflict in Cambodia to undertake immediately the appropriate measures for the cessation of the hostilities in the country and guarantee the life and security of UNTAC personnel. The premeditated and cruel assassination of the members of the Bulgarian contingent is a grave defiance of the humane goals of the United Nations peace-keeping operations. All the more so, when such violent acts are being committed on the eve of the Secretary-General's visit to Cambodia.

The Ministry of Foreign Affairs expresses its full support for the statement by the President of the Security Council of 5 April 1993 [see S/25530] and reaffirms the readiness of the Republic of Bulgaria to contribute further to the implementation of the noble tasks of UNTAC.

DOCUMENT S/25566

Letter dated 8 April 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

(Original: English)
[8 April 1993]

I have the honour to submit to you the attached letter, dated 8 April 1993, from my Minister for Foreign Affairs addressed to you.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations

LETTER DATED 8 APRIL 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF BOSNIA AND HERZEGOVINA TO THE PRESIDENT OF THE SECURITY COUNCIL

The Republic of Bosnia and Herzegovina requests that UNPROFOR [United Nations Protection Force] supplement

its mandate in Bosnia and Herzegovina. The current level of humanitarian assistance has proven largely ineffective, especially at Gorazde and Zepa. Because of continuing blockage by Serbian and Montenegrin forces, food, medicine and clothing are not reaching the suffering citizens of besieged cities in eastern Bosnia, and as a result, tens of these citizens are dying daily from starvation, disease and exposure.

The Republic of Bosnia and Herzegovina requests that the UNPROFOR mandate be expanded to include Gorazde and Zepa (and to the extent that it needs to be done at Srebrenica) to better facilitate the effective and practical delivery of humanitarian relief.

(Signed) Haris SILAJDŽIĆ
Minister for Foreign Affairs

DOCUMENT S/25569

Letter dated 7 April 1993 from the representative of Iraq to the Secretary-General

(Original: Arabic)
[11 April 1993]

On instructions from my Government and with reference to the letter of the representative of Iran [S/25431], I have the honour to reject categorically the allegation that the Iraqi side is protecting and supporting the infiltration of Iranian opposition elements into Iran. What is most likely is that the Iranian opposition elements present throughout the length and breadth of Iran organized such an attack from Iranian territory. As you are aware, these allegations come at a time when all parts of Iran are witnessing a huge wave of discontent and anarchy as a result of the domestic and foreign policies of the rulers of Iran, which has led the Iranian regime to shift the responsibility for the actions of the Iranian resistance beyond its frontiers, in accordance with its well-known custom. It is not improbable that these Iranian allegations are a cover to justify the Iranian crime committed on 13 March 1993, when six Iranian military aircraft carried out a raid on an Iraqi civilian hospital in the northern area of Raniyah [see S/25473, annex].

These Iranian claims and allegations cannot cover up or justify Iran's blatant and repeated violations of the provisions of the cease-fire, the most recent being the crime referred to in the above-mentioned document, for the commission of which the Iranian regime bears full responsibility. It is the duty of the United Nations to call on it to refrain from the commission of such violations in the future.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

DOCUMENT S/25570

Letter dated 5 April 1993 from the representative of the Islamic Republic of Iran to the Secretary-General

*[Original: English]
[11 April 1993]*

Upon instructions from my Government, I have the honour to transmit to you herewith a note dated 9 March 1993, forwarded to the Embassy of the Republic of Iraq at Tehran by the Ministry of Foreign Affairs of the Islamic Republic of Iran, concerning the letter dated 28 October 1992 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General [S/24745, annex].

It would be highly appreciated if this letter and the note could be circulated as a document of the Security Council.

*(Signed) Kamal KHARRAZI
Permanent Representative of the Islamic
Republic of Iran to the United Nations*

TEXT OF THE NOTE

The Ministry of Foreign Affairs of the Islamic Republic of Iran presents its compliments to the Embassy of the Republic of Iraq at Tehran and, with reference to the allegations contained in the letter from the Minister for Foreign Affairs of Iraq to the Secretary-General [S/24745, annex], has the honour to report that, according to investigations carried out in this regard, the said flight had not taken place by the armed forces of the Islamic Republic of Iran.

DOCUMENT S/25572

Letter dated 8 April 1993 from the representative of Slovenia to the President of the Security Council

*[Original: English]
[11 April 1993]*

Please find attached a copy of the letter from Mr. Lojze Peterle, Minister for Foreign Affairs of the Republic of Slovenia, dated 4 March 1993, addressed to the President of the Security Council concerning the applicability of paragraph 6 of Security Council resolution 713 (1991) and of paragraph 6 of Council resolution 727 (1992) to the Republic of Slovenia. As you will recall, the letter was transmitted to the members of the Security Council on 8 March 1993. I should be grateful if the letter would be subject to consultations of the Council.

May I also take this opportunity to assure you that Slovenia will continue scrupulously to observe and implement all resolutions of the Security Council concerning sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

I should be grateful if you would have the letters circulated as a document of the Security Council.

*(Signed) Danilo TÜRK
Permanent Representative of Slovenia
to the United Nations*

**LETTER DATED 4 MARCH 1993 FROM THE
MINISTER FOR FOREIGN AFFAIRS OF SLOVENIA
TO THE PRESIDENT OF THE SECURITY COUNCIL**

On 25 September 1991, the Security Council adopted resolution 713 (1991) imposing a general embargo on the delivery of arms and military equipment to Yugoslavia.

As far as the Republic of Slovenia is concerned, the developments since then justify the need not to apply paragraph 6 of the said resolution to the Republic of Slovenia. The Republic of Slovenia proclaimed independence on 25 June 1991, and was granted full membership in the United Nations on 22 May 1992, thereby becoming a distinct international entity, separate from the political unit once called the Socialist Federal Republic of Yugoslavia and separate from the unit which today calls itself the Federal Republic of Yugoslavia (Serbia and Montenegro).

The Republic of Slovenia has adopted the political system of parliamentary democracy, including the respect for human rights, which is at the European level and in some areas goes a step further, a fact acknowledged by the competent European institutions, among them the Council of Europe, whose full member Slovenia will become in May of this year. The Republic of Slovenia implements the policy of peace and has been successfully establishing relations with its neighbours. Our country is also engaged in, and supports, in a constructive and concerned way, the efforts of the United Nations, the Conference on Security and Cooperation in Europe and the European Communities to bring peace to the rest of the territory of former Yugoslavia. This role of the Republic of Slovenia in international relations has been recognized by all international organizations.

Notwithstanding the basic right of States to self-defence, enjoyed by all States Members of the United Nations, Slovenia is being discriminated against, with respect to other States Members of the United Nations, by the general embargo on the deliveries of arms and military equipment imposed by Security Council resolutions 713 (1991) and 727 (1992). The Republic of Slovenia cannot secure the most elementary needs of its national defence, which has a direct impact on its security and on the security of that part of Europe. The Republic of Slovenia, a full State Member of the United Nations, suffers this inequality owing to the measures which the Council adopted against the international political entity called Yugoslavia, a country that no longer exists, a fact entrenched by the Council: all further steps taken by the Council to relieve the situation in the Balkans were selective.

The Government of the Republic of Slovenia therefore requests the Security Council to exempt the Republic of

Slovenia from the application of paragraph 6 of Council resolution 713 (1991) and paragraph 6 of Council resolution 727 (1992). The Republic of Slovenia is a peaceful, sovereign and independent State Member of the United Nations which consistently meets all its international obligations as stipulated by the Charter of the United Nations and other international documents.

(Signed) Lojze PETERLE

DOCUMENT S/25573

Letter dated 8 April 1993 from the representative of Azerbaijan to the President of the Security Council

[Original: English]
[11 April 1993]

I have had the honour to inform you, in previous letters dated 29 March [S/25488], 30 March [S/25491], 31 March [S/25508, S/25509], 2 April [S/25525] and 5 April [S/25526, S/25527, S/25528] about the activities of the Army of the Republic of Armenia, which has now occupied the districts of Kelbadjar and Lachin of the Azerbaijani Republic.

As a result of this occupation, the civil population living in this region, especially the elderly, women and children, are being subjected to terrible suffering.

At the present moment, the armed forces of the Republic of Armenia are occupying about 10 per cent of the lands of the Azerbaijani Republic. What is most important, however, is that these hostilities are being conducted outside Nagorno-Karabakh.

An article in *The New York Times*, dated Wednesday, 7 April 1993, entitled "Attacks in Caucasus Bring New Tide of Refugees", stated:

"When Kelbajar fell to Armenian troops, it gave them control of a swath of land stitching Karabakh to neighbouring Armenia from the north to the south. The first link, at Lachin, was opened last year and used to get troops and supplies into Nagorno-Karabakh."

A second article, by David Binder, in the same issue of *The New York Times*, entitled "U.S. Rebukes Armenia on New Drive in Caucasus", gave the reaction of the United States Administration to the situation and explained:

"In a statement by Secretary of State Warren Christopher, the Administration called on the Yerevan Government to withdraw its forces immediately, saying 'the United States Government condemns this offensive' and noting that a letter of protest had been delivered on Monday to the Armenian President, Levon Ter-Petrosyan.

"The protest marked the first time the United States publicly criticized one side in the conflict between the two Caucasus republics over ethnic enclaves."

"The statement by Mr. Christopher was carefully worded to specify an offensive by ethnic Armenian forces, which an Administration official said could refer to armed units from inside Nagorno-Karabakh, inhabited mainly by ethnic Armenians, as well as to the army of Armenia itself".

I enclose copies of these two articles* and I kindly request that they be circulated as Security Council documents, along with this letter.

(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations

DOCUMENT S/25574**

Letter dated 9 April 1993 from the representative of Yugoslavia to the Secretary-General

[Original: English]
[12 April 1993]

I have the honour to transmit herewith the aide-mémoire of the Government of the Federal Republic of Yugoslavia on the refugee problem in the Federal Republic of Yugoslavia.

I should be grateful if you would have the text of the present letter and the aide-mémoire circulated as a document of the General Assembly and of the Security Council.

(Signed) Dragomir DJOKIĆ
Chargé d'affaires a.i.
of the Permanent Mission of Yugoslavia
to the United Nations

TEXT OF THE AIDE MÉMOIRE

The Government of the Federal Republic of Yugoslavia takes this opportunity to advise of a very difficult situation in the Federal Republic of Yugoslavia, particularly in the social field, owing to a large number of refugees who have found shelter in Yugoslavia and whose number is increasing every day. Since the beginning of the Yugoslav crisis, which culminated in armed conflicts, first in Croatia and then in Bosnia and Herzegovina, over half a million of refugees arrived in the territory of the Federal Republic of Yugoslavia, with all the economic, social and other consequences of such a process.

*The articles are not reproduced in the present Supplement.

**Circulated under the double symbol A/48/134-S/25574.

Through an organized society-wide action, all necessary measures have been taken in the Federal Republic of Yugoslavia in the past period to alleviate and resolve these problems. However, these problems are becoming ever more difficult to resolve not only because of a large and increasing number of refugees but also because of the limitations faced by Yugoslavia and its population in their capabilities to provide humanitarian aid in a very difficult economic situation as a consequence of, among other things, the unfair sanctions imposed on the Federal Republic of Yugoslavia. When these sanctions were established nobody questioned the humaneness of imposing severe economic and other sanctions on a country and a people taking upon themselves the humane obligation to provide shelter to such a large number of refugees. Besides, political factors do play an enormous role also in the humanitarian field, so that international assistance extended to refugees in the territory of the Federal Republic of Yugoslavia, especially bilateral assistance, is incomparably smaller than the assistance arriving in other parts of the former Socialist Federal Republic of Yugoslavia and is determined in great measure by political interests, as if the refugees in the Federal Republic of Yugoslavia were not the victims of the one and the same conflict.

This unequal position of more than half a million refugees - Serbs, Croats, Muslims and other peoples - is certainly unfavourably affected by the media discrimination against Serbs and the Federal Republic of Yugoslavia systematically pursued in many countries all over the world. During the armed conflict in Croatia, for instance, the world public was not informed at all that over 250,000 Serbs had been forced to leave their ancestral homes to seek refuge in Serbia. The exodus of the Serb people in western Slavonia was never characterized as "ethnic cleansing" and the fact that the number of Serbs in Zagreb and other Croatian towns has been reduced under pressure by more than half has never been assessed as a violation of their fundamental human rights.

Even more discriminated against are the Serbs who were forced to flee the horrors of the war in Bosnia and Herzegovina. The world public is overwhelmed with the news of the tragic fate of Muslim and Croat refugees, while only a few world agencies have reported on hundreds of thousands of Serbs who fled the devastation and other war horrors and came to Serbia, Montenegro and parts of Krajina.

We, therefore, expect international humanitarian organizations, consistent with the principles of neutrality, impartiality and the non-political character of their activity, to contribute to an objective presentation of the humanitarian problems with which Yugoslavia is dramatically faced.

(1) At the moment there are about 655,000 refugees in the Federal Republic of Yugoslavia, 585,000 in the territory of the Republic of Serbia and 70,000 in the Republic of Montenegro. This number is augmented by 150,000 to 200,000 of other refugees in Serbia and 10,000 in Montenegro who are not registered with the competent authorities. This number is not final since up to 1,000 new refugees arrive in Serbia every day.

As to nationality structure, the most numerous refugees in Serbia are Serbs (84.2 per cent), Muslims (6.2 per cent) and Croats (1.6 per cent). The remaining 8 per cent accounts for Albanian, Jewish, Bulgarian, Romany and Hungarian refugees. There is an equal number of Muslim, Serb and Montenegrin refugees in Montenegro.

All refugees in the Federal Republic of Yugoslavia are provided a collective protection of personal and other rights and freedoms, as well as international legal protection, in the way provided for the citizens of the Federal Republic of Yugoslavia.

The refugees unable to find board and accommodation with relatives, friends or with other citizens are provided board and accommodation in collective facilities. Within the limits of the capacities of the country, the refugees accommodated within families are granted monthly assistance in food, items of personal hygiene, clothes and footwear. The token financial assistance to which refugees are otherwise entitled is not paid, since it is not possible to provide financial resources for that purpose.

The financial allocations of the Yugoslav Federal and Republican organs to meet the needs of a large number of refugees, as well as the assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR), have proved insufficient.

The situation and status of the refugees in the Federal Republic of Yugoslavia is further aggravated by the United Nations sanctions. These sanctions have been draining the Yugoslav economy for nine months now, so that a large number of economic activities are on the verge of non-existence. In comparison to 1991, the social product has plummeted drastically, which aggravates the social and economic position of the population, especially the most vulnerable groups. Out of 2,300,000 people employed in the economy of the Federal Republic of Yugoslavia in normal conditions, 800,000 or one third of the overall number have been laid off, with wages and salaries reduced to 70 per cent of the normal pay.

The very precise data contained in the *United Nations Revised Consolidated Inter-Agency Appeal for the Former Yugoslavia, April to December 1993*, are further evidence of the difficult refugee situation in the Federal Republic of Yugoslavia.

This situation stretches the Federal Republic of Yugoslavia beyond the point of endurance with regard to providing housing for the refugees and handling their problems. On the other hand, the international community has shifted the brunt of the burden of caring for refugees onto the shoulders of the citizens of Yugoslavia. Until two months ago, only 10 to 15 per cent of the overall refugee needs was provided by international humanitarian organizations. This percentage has recently increased to about 30 per cent, owing primarily to the additional efforts of UNHCR, the Humanitarian Bureau of the European Community, the International Federation of Red Cross and

Red Crescent Societies (IFRC), the International Committee of the Red Cross (ICRC), the Belgian branch of "Médecins sans frontières" and some others.

Bilateral assistance, which otherwise is the main source of financing refugees in Croatia, Bosnia and Herzegovina and Slovenia, is almost non-existent in Yugoslavia.

(2) The Government of the Federal Republic of Yugoslavia wishes in particular to point to the very difficult situation of refugee children and women. There are about 250,000 refugee children in Yugoslavia, 1,200 of them without parents. The situation of children, as a population category in the Federal Republic of Yugoslavia, particularly refugee children, has worsened as a consequence of economic sanctions. In a warring environment, the social climate in which children are being raised is such as to provide fertile ground for many diseases, including mental illnesses and traumas. The situation of children in the Federal Republic of Yugoslavia and, by the same token, the position of refugee children, is seriously affected also by the endangered rights to the highest level of health and medical care, to quality food, social protection, etc. There is a lack of food, medicine and spare parts for medical equipment, heating oil for schools and hospitals, so that child mortality is rising.

In addition to refugee children, women refugees, particularly women with children, are also facing a difficult situation. That the number of women refugees is large is evidenced by the fact that as much as 83 per cent of all adult refugees in Serbia are women. This population group is additionally endangered because of their ill-treatment and rape in war zones.

(3) The Yugoslav Government wishes to use this opportunity in particular to draw attention to the specific situation faced by refugees in the Federal Republic of Yugoslavia. They are an example of mass exile unknown thus far either to UNHCR and international humanitarian organizations or to Yugoslav authorities, considering the fact that 96.9 per cent of all refugees have either private or public accommodation. The exceptionally difficult livelihood of many families compels refugees, an estimated 250,000 to 300,000, to look for their housing themselves. It is quite certain that many of them will try to find a solution by emigrating to other, primarily Western, countries. One of the solutions is the provision of shelters for family accommodation of refugees. In close cooperation with UNHCR, an adaptation and construction project for refugee accommodation has been initiated. However, the overall project provides for the accommodation of only 8,000 people. Owing to the exceptionally difficult economic situation brought about by economic sanctions, Yugoslavia is unable to finance this project alone. If the international community fails to provide assistance, a large number of refugees will be forced to look for their own solutions, most probably by emigrating to other countries.

The specific nature of the refugee population in the Federal Republic of Yugoslavia will require that the Yugoslav authorities, in identifying their overall needs, ask

for assistance from international humanitarian organizations with a view to ensuring long-term solutions to their problems.

The Yugoslav Government wishes also to point to the existence of a large number of the citizens of the Federal Republic of Yugoslavia, estimated at about 400,000, living as refugees in many countries of Europe. Their stay in these countries will necessitate the solution of a large number of humanitarian problems. In order to ensure their return to Yugoslavia, it will be necessary to seek solutions through bilateral and multilateral cooperation and through concerted action.

(4) The Yugoslav Government is aware that the refugee problems will be present in this region long after the cessation of the armed conflicts. Bearing in mind the relevant resolutions of the General Assembly, the conclusions of the London stage of the International Conference on the Former Yugoslavia and the decisions taken in various international meetings devoted to the victims of the conflict, the Government of the Federal Republic of Yugoslavia calls upon UNHCR and other international humanitarian organizations, in addition to the emergency relief assistance already provided and drawing upon their long-standing international experience in the field, to assist the competent Yugoslav authorities in finding a lasting solution to the problems of refugees and other persons affected by war and military operations. Accordingly, the Yugoslav Government interprets the definition of the term "refugee", embodied in numerous United Nations documents, in the broadest possible sense.

For the purpose of finding a long-term solution to the problem of refugees, the Yugoslav Government calls upon UNHCR and, as appropriate, other international non-governmental organizations, drawing upon the experiences and resources of all relevant international agencies, to engage in activities as follows:

(a) Providing assistance for the reintegration of refugees remaining in the Federal Republic of Yugoslavia, which would include assistance in the realization of development projects and other long-term forms of material assistance and in devising various ways of continued activity in the Federal Republic of Yugoslavia. This should include assistance aimed at continuing the refugee settlements adaptation and construction project, and assistance in meeting the essential needs in the education, health and social protection of refugees;

(b) Providing assistance to facilitate return to their homes for those refugees who so wish after the cessation of military operations. Here we particularly have in mind the assistance in establishing normal flows of life within the so-called "emergency developments program me. In this context, the Yugoslav Government urges UNHCR to take part in the work of the existing and future intergovernmental committees for the return of refugees which will deal with those problems between the Federal Republic of Yugoslavia, Croatia, Bosnia and Herzegovina and Macedonia;

(c) We also expect UNHCR to take, within the overall treatment of refugees in Yugoslavia, appropriate action in order to ensure that the refugees who fulfil the necessary conditions be granted the refugee status under the 1951 Convention relating to the Status of Refugees³ and the 1967 Protocol relating to the Status of Refugees.⁴

The Yugoslav Government takes this opportunity to bring the attention of international humanitarian organizations to the fact that the Security Council Committee established pursuant to Council resolution 724 (1991) concerning Yugoslavia decided to approve import of oil and natural gas into the Federal Republic of Yugoslavia for humanitarian purposes, if a recognized international humanitarian organization undertook to sponsor it. Since no association has so far indicated its intention to do so, we appeal to numerous international humanitarian organizations present in this region to help the Federal Republic of Yugoslavia alleviate the difficult humanitarian problems also through these imports.

The Yugoslav Government is aware that a final and durable solution of the refugee problem, as well as many other related problems, can be found only in the conditions of peace, respect for human rights and the right to democratic development. Therefore, the Yugoslav Government, in addition to the appeal to the international community to render urgent and long-term assistance in solving difficult humanitarian refugee problems in the territory of the Federal Republic of Yugoslavia mentioned in the present aide mémoire, calls also on this occasion upon all international factors to invest further efforts in order to assess objectively the entire problem in the territory of the former Yugoslavia and arrive at its just solution by peaceful means. Only this would bring peace and prosperity to all people in this region.

Belgrade, April 1993

DOCUMENT S/25576

Letter dated 9 April 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

*[Original: English]
[12 April 1993]*

I have the honour to clarify our stand once again that the Security Council has no scientific, technical or legal ground to consider the report of the Director-General of the International Atomic Energy Agency (IAEA) and request the Council to pay due attention to the serious abuse of the Safeguards Agreement by IAEA.

In this connection, I wish to draw the attention of the Security Council members to the memorandum of the Ministry of Foreign Affairs dated 15 March 1993 [S/25422] and the attached statement of 8 April 1993 of the Minister of Atomic Energy of the Democratic People's Republic of Korea.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

*(Signed) PAK Gil Yon
Permanent Representative of the Democratic People's
Republic of Korea to the United Nations*

TEXT OF THE STATEMENT

Recalling that the Democratic People's Republic of Korea, after the effectuation of the Safeguards Agreement on 10 April last year, submitted to the IAEA an initial report on the nuclear materials earlier than the time-limit according to article 62 of the Agreement and underwent six rounds of ad hoc inspection by the Agency by early February for the verification of the correctness and completeness of the initial report according to article 71 of the Agreement, the Minister says:

"In this period, we provided the inspection group with sufficient conditions to have the correctness and completeness of the initial report verified by displaying a high degree of spirit of cooperation."

Noting that, nevertheless, an unjustifiable "resolution" to take our question to the United Nations on the charge of "non-compliance with the SA [Safeguards Agreement]" was adopted at a meeting of the Board of Governors of IAEA, the Minister declares:

There is a shady background in this, on which a revealing light must be shed. It was from early November last year that some officials of the secretariat of IAEA abruptly began to bring forward the fictitious problem of "inconsistency".

This "inconsistency" was, in essence, one caused by the difference in the calculating methods and interpretation and assessment resulting from a mistake of the Agency. It was by no means a difference between our declaration and the results of inspection by the Agency.

In the negotiations held during the sixth inspection held from 27 January to 6 February, the inspection group admitted the cause of this difference, with the result that the problem of "inconsistency" was solved and an agreement was reached to "re-examine the results of the inspection by the Agency and continue the discussion during the period of next inspection". However, before the inspection group re-examined the results of inspection, the Director-General of the Agency officially demanded a "special inspection" of us on 9 February, thus blocking the progress of the ad hoc inspection which had been going on smoothly and the road of negotiation for the solution of "inconsistency".

Some officials of the IAEA secretariat at the Board of Governors meeting linked the "inconsistency" alleged by them to "two sites" in a far-fetched manner and went so far as to show with the help of slides fake "intelligence satellite photos" provided by the United States, a belligerent party in a war with the DPRK [Democratic People's Republic of

Korea], something unprecedented, in an effort to justify their claim.

As far as the "satellite photos are concerned, they are quite inconsistent with the facts, and the explanation about them is also preposterous.

Although it had been directly confirmed by the inspection group through on-site inspection that there was no "connection" between military sites and nuclear facilities in question, some officials of the IAEA secretariat tried to convince the governors, alleging obstinately that the trenches around the military sites furnished clear "evidence" of their connection with nuclear facilities.

The United States CIA-provided satellite photos of our experimental nuclear power station and so-called "nuclear detonator explosion testing ground" are also sheer forgeries.

The inspection group of the Agency had confirmed on the spot that the power station had one cooling tower, not two, that there were transmission facilities showing the peaceful nature of our nuclear activities and that the riverside pools are not traces of nuclear detonator explosions.

Describing our two ordinary military sites as "nuclear-related facilities" on the basis of the fake "intelligence satellite photos", however, some officials of the IAEA secretariat spread rumours that we were refusing an inspection of nuclear-related facilities.

When the Director-General of IAEA in mid-September last year requested us all of a sudden to allow access to two sites unrelated to nuclear activities in the form of visits by some members of IAEA's inspection group, who were on the spot for the third-round inspection, we showed them in good faith, taking into consideration that it was the first request of the Director-General. We did not even turn down their unreasonable request for another access.

Although the inspectors of the Agency used a radiation dose meter and even a route map to find the direction of the sites, they could not but admit that the sites were unrelated to nuclear activities.

We are compelled to pay heed to the fact that such visits by the Agency followed a "joint hearing" at both Houses of the United States held in the presence of the Director-General of the IAEA on 22 July last year, at which there were calls for a "challenge inspection" and a "special inspection" of the DPRK, in particular to the recent statement of some officials of the IAEA secretariat that "if nuclear materials are not discovered at the two military sites, they must be found elsewhere".

We came to know more clearly in this course that some officials of the IAEA secretariat invented the "inconsistency" under the manipulation of the United States trying to stifle

our Republic and made the "surprise visits" on the basis of the fake "intelligence satellite photos" and that the Director-General's request for a "special inspection" and the unreasonable "resolution" of the Board of Governors meeting relative to it were based on a prearranged script.

The Director-General's proposal for a "special inspection" of the DPRK and the 25 February, 18 March and 1 April "resolutions" adopted at the Board of Governors meetings in this regard were based on the fictitious "inconsistency" and fake "intelligence information". It was a crude breach of the Safeguards Agreement.

We rejected such an illegal robber-like demand and that is the first reason why it charged us with "non-compliance with the Safeguards Agreement".

Another reason is that we refused to receive the ad hoc inspection group of the Agency for three months until the withdrawal from the NPT [*Treaty on the Non-Proliferation of Nuclear Weapons*] takes effect after the declaration of it.

This is a brigandish logic reversing black and white. We had consistently called for solving all the problems in the implementation of the Agreement through ad hoc inspection and negotiation in the past. Some officials of the IAEA secretariat, however, had denied the possibility of solving the problems in the implementation of the Agreement through ad hoc inspection and negotiation and they themselves blocked the way of ad hoc inspection and negotiation, while trying to force an unjustifiable "special inspection" on DPRK.

Under such abnormal circumstances, we, proceeding from the stand of discharging our obligations under the Safeguards Agreement for three months, proposed on 30 March in explicit terms negotiations with IAEA in this regard.

However, some officials of the IAEA secretariat ignored our proposal and answered it with the adoption of an unreasonable "resolution" on transferring our problem to the United Nations.

This was contrary to article 3 of the Agreement which stipulates cooperation in its implementation and to article III (d) of the statute of IAEA which calls for respect for the sovereignty of the given country. This makes it plain that the United States and some officials of IAEA following it are the very ones who made it impossible for the DPRK to discharge its obligations under the Safeguards Agreement for three months.

So, IAEA secretariat has no legal ground to conclude "it is not able to verify that there has been no diversion of nuclear material to nuclear weapons or other nuclear explosive devices". Therefore, the adoption of a "resolution" on transferring the problem to the United Nations under the pretext the DPRK's "non-compliance" is a grave violation of the Agreement.

All these facts clearly prove that there are neither scientific and technical ground nor legal reason to bring our "nuclear problem" to the United Nations, charging DPRK with "non-compliance".

It is not DPRK but some officials of the IAEA secretariat engineered by the United States that did not comply with the Agreement.

Some officials of the IAEA secretariat can never evade the responsibility for wantonly violating the statute of IAEA and the Safeguards Agreement and joining the United States in its political and military plot to stifle DPRK.

The United Nations, instead of discussing our "nuclear problem", must call in question the conspiracy of the United States and some officials of the IAEA secretariat in abusing the statute of the IAEA and the Safeguards Agreement.

Nobody has the right wrongly to interpret or violate relevant articles of the statute of the IAEA and the Agreement.

Some officials of the IAEA secretariat must strictly abide by the Safeguards Agreement and the statute of IAEA, not reducing themselves to servants of the United States in its anti-DPRK scheme to have all its ordinary military bases opened one by one by demanding a "special inspection".

Consistent is our stand to discharge our obligations under the Safeguards Agreement and solve problems arising in this regard through negotiations.

I, availing myself of this opportunity, express the hope that the Governments of all countries, international organizations and the peace-loving peoples around the world who value peace and justice will extend support and solidarity to the Korean people in the just cause of thwarting and frustrating the plots of the United States and the forces following it to stifle our socialist system, removing the nuclear threat from the Korean peninsula and safeguarding peace and security.

Pyongyang, 8 April 1993

DOCUMENT S/25577

Letter dated 9 April 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

*[Original: English]
[12 April 1993]*

I have the honour to transmit to you the Ten-Point Programme of Great Unity of the Whole Nation for Reunification of the Country worked out by President Kim Il Sung on 6 April 1993.

I should be grateful if you would have the present letter and the Programme circulated as a document of the Security Council.

*(Signed) PAK Gil Yon
Permanent Representative of the Democratic People's
Republic of Korea to the United Nations*

TEXT OF THE TEN-POINT PROGRAMME OF GREAT UNITY OF THE WHOLE NATION FOR REUNIFICATION OF THE COUNTRY WORKED OUT BY PRESIDENT KIM IL SUNG

6 April 1993

To put a period to the nearly half a century long history of division and confrontation and reunify the country is the unanimous demand and will of the whole nation. For the independent and peaceful reunification of the country it is necessary to achieve a great unity of the whole nation.

All those who are concerned for the destiny of the nation, whether they be in the north, or in the south, or overseas, and whether they be communists, or nationalists, haves, or have-nots, atheists, or theists, must unite as one nation, above all, transcending all differences, and pave together the way for national reunification.

Those with strength devoting energy, those with knowledge giving knowledge and those with money donating money, all should make tangible contributions to the reunification of the country and the development and prosperity of a reunified land and thus put an end to the national division and display the dignity and honour of the reunited 70 million fellow countrymen to the world.

1. A unified State, independent, peaceful and neutral, should be founded through the great unity of the whole nation.

The north and the south should found a pan-national unified State which can represent all parties, groupings and all the members of the nation from all walks of life, while leaving the existing two systems and two governments as they are. The pan-national unified State should be a con federal State in which the two regional governments of the north and the south are represented on an equal footing, and an independent, peaceful and non-aligned neutral State which does not lean to any great Power.

2. Unity should be based on patriotism and the spirit of national independence.

All the members of the nation should link their individual destinies with destiny of the nation, warmly love the nation and unite with one will to defend the independence of the nation as its life and soul. With the dignity and pride of our

nation, they should reject flunkeyism and national nihilism that erode the nation's consciousness of independence.

3. Unity should be achieved on the principle of promoting coexistence, co-prosperity and common interests and subordinating everything to the cause of national reunification.

The north and the south should recognize and respect the existence of different ideas and ideologies and systems, and enjoy progress and prosperity together, neither side encroaching upon the other. They should promote the interests of the whole nation before regional and class interests and direct all efforts to the accomplishment of the cause of national reunification.

4. All manner of political disputes that foment division and confrontation between the fellow countrymen should be stopped and unity be achieved.

The north and the south should refrain from seeking or fomenting confrontation, cease all manner of political disputes and stop hurling abuses and slanders at each other.

They, the same fellow countrymen, should not be hostile to each other but jointly counter foreign aggression and interference by the united efforts of the nation.

5. They should dispel fears of invasion from the south and from the north, prevail over communism and communization altogether and believe in and unite with each other.

The north and the south should not threaten and invade the other. Neither side should try to force its system on the other and to absorb the other.

6. They should set store by democracy and join hands on the road to national reunification, not rejecting each other for the difference in isms and principles.

They should ensure freedom of debate on and activity for reunification and not suppress, make reprisals on, persecute and punish political opponents. They should not charge anyone with pro-north or pro-south tendencies but release and reinstate all the political prisoners so that they may contribute together to the cause of national reunification.

7. They should protect material and spiritual wealth of individual persons and organizations and encourage them to be used favourably for the promotion of great national unity.

Not only before the reunification but after it they should recognize State ownership, cooperative ownership and private ownership and protect the capital and property of individual persons and organizations and common interests with foreign capital. They should recognize social honour and qualification of individuals in all domains, including science,

education, literature, art, speech, the press, health service and sports, and continue to ensure the benefits granted to persons of meritorious services.

8. The whole nation should understand, trust and unite with one another through contacts, travels and dialogues.

All the obstacles to contacts and travels should be removed and the door be flung open for travels to all without discrimination.

All the parties, groupings and people of all social standings should be given equal opportunities for dialogue and bilateral and multilateral dialogues should be developed.

9. The whole nation in the north and the south and overseas should strengthen solidarity with one another on the way to national reunification.

Things beneficial to national reunification should be supported and encouraged in an unbiased manner and things harmful be rejected together in the north and the south and overseas, and all should keep pace and cooperate with each other, each going beyond his own narrow enclosure. All the political parties, organizations and people of all walks of life in the north and the south and overseas should be allied organizationally in the patriotic work for national reunification.

10. Those who have contributed to the great unity of the nation and to the cause of national reunification should be highly esteemed.

Special favours should be granted to those who have performed feats for the great unity of the nation and the reunification of the country, patriotic martyrs and their descendants. If those who had turned their back on the nation in the past return to the road of patriotism, remorseful of their past, they should be treated leniently and be assessed fairly according to their contributions to the cause of national reunification.

DOCUMENT S/25579*

**Letter dated 12 April 1993 from the representative of
Cyprus to the Secretary-General**

*[Original: English]
[12 April 1993]*

On instructions from my Government, I wish to bring to your attention a provocative and criminal act perpetrated by the Turkish occupation forces in Cyprus.

In the evening of Thursday, 8 April 1993, a Turkish soldier shot and killed in cold blood a National Guardsman,

*Circulated under the double symbol A/47/924-S/25579.

Athanassios Cleovoulou, in the buffer zone of Nicosia. Cleovoulou, who was unarmed, was shot and killed in cold blood without any attempt to either arrest or warn him before shooting him. He was shot from a guardpost that is usually unmanned and this constitutes additional evidence that his murder was intentional. The Turkish occupation forces bear full responsibility for this callous act.

This murder, which comes at a time of intensive diplomatic activity for the resumption of the negotiations for the solution of the Cyprus problem, is indicative of Turkish bad faith and contributes to the deterioration of the existing climate on the eve of such negotiations.

This tragic event reaffirms the need of maintaining the United Nations Peace-keeping Force in Cyprus with its current strength and mandate, as proposed in your latest report [S/25492], of 30 March 1993.

I wish to stress in the strongest possible terms my Government's protest and condemnation of this unprovoked criminal act, which once again underlines the inherent dangers to peace and security that the continued presence of the Turkish occupation forces in Cyprus constantly poses.

I shall be grateful if the text of the present letter is circulated as a document of the General Assembly and of the Security Council.

*(Signed) A. J. JACOVIDES
Permanent Representative of the
Republic of Cyprus to the
United Nations*

DOCUMENT S/25580

Letter dated 12 April 1993 from the representatives of France, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the President of the Security Council

*[Original: English]
[12 April 1993]*

We enclose a copy of a statement which we have been instructed by our Governments to request should be circulated as a document of the Security Council.

*(Signed) Jean-Bernard MERIMÉE
Permanent Representative of France
to the United Nations*

*(Signed) Juan Antonio YÁÑEZ-BARNUEVO
Permanent Representative of Spain
to the United Nations*

*(Signed) David HANNAY
Permanent Representative of the
United Kingdom of Great Britain and Northern Ireland
to the United Nations*

*(Signed) Madeleine ALBRIGHT
Permanent Representative of the
United States of America
to the United Nations*

TEXT OF THE STATEMENT

[Original: English/French]

The European Community and its member States and the United States of America have said in repeated statements that Serbs face a very clear choice. The Bosnian Serbs must sign the peace plan for Bosnia and Herzegovina and end all military attacks. If they do so, and they implement the plan in good faith, a gradual lifting of the measures imposed against the Federal Republic of Yugoslavia (Serbia and Montenegro) will be possible. If they do not, the sanctions already imposed by the Security Council must be strengthened, and the Federal Republic of Yugoslavia (Serbia and Montenegro) effectively isolated.

This choice is set out in clear terms in the draft resolution now before the Security Council, which has the co-sponsorship of nine members of the Council, including France, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America. To take account of a Russian request, the resolution will not be adopted, as the Governments of these four countries had hoped, on 12 April. The four Governments believe that, if the Bosnian Serbs continue to refuse to sign the peace plan in all its parts, and do not cease their military attacks, the full range of economic sanctions envisaged in the draft resolution must be implemented.

The Governments of France, Spain, the United Kingdom and the United States welcome the undertaking by the Government of the Russian Federation to intensify its efforts to secure the agreement of the Serbian party. But it is the firm view of the four Governments that, if the Bosnian Serb party do not sign the peace plan in all its parts and cease their military attacks, the resolution should be voted on - without a compliance period, given the delay in adoption - before the end of the current month. The four Governments will be working to ensure that this is achieved. One way or another the tightening of sanctions envisaged in the draft resolution must be achieved in the very near future if the Serbs fail to respond to the chance that has now been given.

DOCUMENT S/25581*

Letter dated 12 April 1993 from the representative of Bulgaria to the Secretary-General

*[Original: English]
[12 April 1993]*

I have the honour to transmit to you herewith the text of the declaration, issued on 7 April 1993, by the Ministry of Foreign Affairs of the Republic of Bulgaria in connection with the decision of the Government of the Democratic

*Circulated under the double symbol A/48/135-S/25581.

People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons.

I should be grateful if you would have the text of the present letter and the declaration circulated as a document of the General Assembly and of the Security Council.

*(Signed) Slavi PASHOVSKI
Permanent Representative of Bulgaria
to the United Nations*

TEXT OF THE DECLARATION

The Ministry of Foreign Affairs of the Republic of Bulgaria expresses its grave concern at the decision of the Government of the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

The Ministry of Foreign Affairs of the Republic of Bulgaria considers NPT as a cornerstone of the global non-proliferation regime with respect to nuclear weapons. The wide membership of NPT is an indication of the great importance that the international community attaches to this legally binding instrument being of vital importance for international security. The concerted actions to strengthen the non-proliferation regime are one of the major avenues of the efforts to eliminate the potential danger to peace and stability stemming from the spread of nuclear or other weapons of mass destruction. The strict and unconditional implementation of NPT and of the respective International Atomic Energy Agency (IAEA) safeguards agreements under the Treaty is a basic prerequisite for ensuring the viability and the stabilizing role of the non-proliferation regime. Any development that contravenes these collective efforts would inevitably produce a negative effect.

In this context, the decision of the Government of the Democratic People's Republic of Korea to withdraw from the NPT is a cause of serious concern and justified anxiety within the international community. The step taken may have unpredictable consequences not only for regional security but also for international peace and security as a whole.

As a member of the IAEA Board of Governors, the Republic of Bulgaria expresses its full confidence in and support for the activities of the Agency, including its inspection procedures, as well as the resolutions of the Board of Governors of 25 February, 18 March and 1 April 1993, which refer the issue to the Security Council and the General Assembly and call upon the Democratic People's Republic of Korea to fulfil its obligations under NPT and the IAEA Safeguards Agreement.

The Ministry of Foreign Affairs of the Republic of Bulgaria associates itself entirely with the Declaration of 1 April 1993 of the Governments of the Russian Federation, the United Kingdom of Great Britain and Northern Ireland

and the United States of America, which are the depositaries of the Treaty on the Non-Proliferation of Nuclear Weapons.

The Ministry of Foreign Affairs of the Republic of Bulgaria calls upon the Government of the Democratic People's Republic of Korea to continue its dialogue with IAEA, rendering the necessary assistance to the Agency for the purpose of the implementation of the provisions of the Safeguards Agreement.

The Ministry of Foreign Affairs of the Republic of Bulgaria expresses its hope that the Government of the Democratic People's Republic of Korea will reconsider its decision and will continue to adhere to its legal international obligations under NPT and to follow strictly the provisions of the Safeguards Agreement of IAEA.

DOCUMENT S/25582

**Letter dated 12 April 1993 from the representative of
Azerbaijan to the President of the Security Council**

*(Original: Russian)
[13 April 1993]*

I have the honour to inform you that the Azerbaijani Republic welcomed the statement made by the President of the Security Council on 6 April 1993 in connection with our appeal regarding Armenian aggression in the Kelbadjar district of Azerbaijan [S/25539]. In the statement, the Council requests the Secretary-General "to ascertain facts ... and to submit urgently a report to the Council".

The Government of Azerbaijan is confident that the ascertainment of the facts will enable the Security Council to gain a clear picture of the actual situation and correctly assess the actions undertaken by Armenia in its aggression against Azerbaijan, impose appropriate sanctions against Armenia, and demand the speedy withdrawal of Armenian armed forces from the occupied Azerbaijani territories, which will help re-establish peace in the region. In this connection, I should like to present you with some facts.

I. Armenia is continuing its aggression against Azerbaijan and is ignoring the Security Council's demand for an immediate cessation of hostilities. This is confirmed by the following facts:

In the Fizuli district of Azerbaijan, troops of the Republic of Armenia are continuing a massed attack in the direction of the town of Fizuli. After intensive artillery preparation, on the morning of 9 April, Armenian troops gained control of the strategically important locality of Kyovshadly and, on 10 April, of the strategically important Gyzy-Gaya hill. On 10 and 11 April, fierce battles were waged 2 kilometres from the town.

In the Djebail district of Azerbaijan, the villages of Sur, Suleymanly, Chukhchular and others are under heavy artillery and mortar fire, which has caused considerable destruction; the number of dead and wounded is increasing.

In the Zangelan and Kubadly districts of Azerbaijan, Armenian troops launched an attack directly from the territory of Armenia in the direction of the settlements of Aligulushagi, Djibikli, Vezhneli and others. The artillery shelling of the town of Kubadly has left dead and wounded among the civilian population.

The capture of the town of Fizuli and the railway junction of Goradiz by the Army of the Republic of Armenia may lead to the complete encirclement of another four districts of Azerbaijan - Fizuli, Djebail, Zangelan and Kubadly.

These districts have a total area of more than 2.5 thousand km², and an overall population of 215,000. Thus, to the two areas of Azerbaijan already occupied by Armenia - Nagorny-Karabakh and Lachin-Kelbadjar - another may soon be added, and the civilian population is faced with a real threat of ethnic cleansing, to which the non-Armenian population of the two aforesaid areas has been subjected by Armenian troops.

II. Armenia's aggression against Azerbaijan is further confirmed by the following facts:

Military strikes are being conducted directly from the territory of Armenia against another four regions of Azerbaijan situated on the frontier with Armenia - Kedabek, Taz, Kazakh and Akstafa - which do not have common frontiers with Armenian-occupied Nagorny-Karabakh in the Azerbaijani Republic. Armenia's argument that these districts pose a threat to the security of the Armenian population of Nagorny Karabakh is completely groundless, since the aforementioned districts are hundreds of kilometres away from Nagorny-Karabakh.

The massed attack of the Armenian armed forces directly from the territory of Armenia against the Zangelan, Kedabek, Taz, Kazakh and Akstafa districts and in the direction of the town of Kubadly is a perfectly obvious confirmation of our assertion that the aim of Armenia's armed aggression against Azerbaijan is to annex our territories, and this over and above its claims to Nagorny-Karabakh. The aforementioned districts of Azerbaijan do not have a common frontier with Armenian-occupied Nagorny-Karabakh in Azerbaijan.

III. Armenia is ignoring and openly flouting the basic principles of the statement made by the President of the Security Council on 6 April 1993 [S/25539], which is confirmed by the following facts:

- Instead of withdrawing its troops from Azerbaijani territory, Armenia is using the scandalously

designated "humanitarian" Lachin corridor to bring additional war equipment, arms and military sub-units into Azerbaijan.

- Instead of halting hostilities, Armenia, having occupied the Kelbadjar, Lachin and Nagorny-Karabakh districts in Azerbaijan, has opened a new front and is stepping up its aggression in the area of the Fizuli, Djebail, Kubadly and Zangelan districts of Azerbaijan.
- Instead of taking advantage of the fact that the statement made by the President of the Security Council on 6 April 1993 does not refer directly to the Armenian armed forces (the words "local Armenian forces" do not reflect the real state of affairs) and withdrawing them from the territory of Azerbaijan, Armenia is subjecting the Kazakh, Akstafa, Taz, Kedabek, Zangelan and Kubadly districts of Azerbaijan to concentrated rocket-artillery shelling directly from Armenian territory.
- Instead of respecting the sovereignty, territorial integrity and inviolability of the frontiers of the Azerbaijani Republic, a State Member of the United Nations, Armenia is continuing to seize and occupy Azerbaijani territory district by district.
- Instead of creating conditions conducive to a peaceful settlement of the conflict, Armenia is refusing to withdraw its troops from the occupied territories, as is unambiguously demanded in the statement by the President of the Security Council, and which is the main condition for the peace talks.
- Instead of allowing the international community to provide unhindered humanitarian assistance to the civilian Azerbaijani population caught in the combat zone, Armenia is stepping up its military operations, which is resulting in additional hundreds of thousands of refugees and displaced persons in Azerbaijan.

IV. The above facts confirm that Armenia's actions contradict the demands contained in the statement made by the President of the Security Council on 6 April 1993, and make it clear that Armenia intends to expand its aggression into Azerbaijan with a view to seizing as much territory as possible from Azerbaijan and completing its policy of ethnic cleansing in the occupied territories before the Security Council adopts a resolution condemning Armenian aggression and imposes sanctions against it in accordance with the Charter of the United Nations.

In connection with the foregoing, we request that:

When the Security Council considers this question, it should take into consideration the information provided by the Government of Azerbaijan on various aspects of the

current situation arising from Armenian aggression against Azerbaijan;

In connection with Armenia's continued aggression, which poses a serious threat to peace and security in the region, the time has come for the Security Council to take urgent measures to end the bloodshed and save the lives of hundreds of thousands of Azerbaijani civilians and, in the shortest possible time, continue its consideration of the question, as proposed in the statement made by the President of the Security Council on 6 April 1993 and, in accordance with Chapter VII of the Charter and General Assembly resolution 3314 (XXIX):

- condemn Armenia's aggression against Azerbaijan, since Armenia, ignoring the aforementioned statement by the President of the Security Council, is stepping up its aggression in the territory of Azerbaijan;
- demand that Armenia immediately halt its armed aggression and withdraw all its troops from occupied Azerbaijani territories;
- impose sanctions against the Republic of Armenia if it does not comply with the demands of the Security Council.

I should like to assure you that Azerbaijan intends to adhere strictly to the Security Council's appeal to "refrain from any action that will obstruct a peaceful solution to the problem", continue the peace talks within the framework of the Council's demand that Armenia withdraw its forces from the occupied territories of Azerbaijan, and respect the sovereignty and territorial integrity of all States of the region and the inviolability of their borders.

Accept, Sir, the assurances of my highest consideration.

(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations

DOCUMENT S/25584

Letter dated 12 April 1993 from the representative of Azerbaijan to the Secretary-General

[Original: Russian]
[13 April 1993]

I have the honour to inform you that, according to information provided by the State Statistical Committee of Azerbaijan, as of 9 April 1993, owing to large-scale aggression in the Kelbadjar district and its complete occupation by the Armenian armed forces, the number of refugees in Azerbaijan has increased by 65,980 (10,888 families). Refugees from the Kelbadjar district have been settled in various regions of Azerbaijan. The largest number of refugees were settled in the Khanlar district - 15,000 (2,000 families); Barda district 8,300 (1,564 families); Geranboy district - 5,156 (348 families); Terter district - 6,843 (1,217 families); Yevlakh district - 8,075 (1,518 families); Dashkesan district - 2,012 (372 families); Oguz

district - 1,600 (247 families); Sheki district - 1,045 (202 families); Samukh district - 1,489 (331 families), the town of Gyandzha - 5,200 (1,092 families) and the town of Mingechaur - 4,183 (712 families). In all, refugees from the Kelbadjar district have been settled in 43 towns and districts of Azerbaijan. People are being settled in dormitories, clubs, schools, tourist centres, empty health homes and hotels. Many have found shelter in the homes of local inhabitants of the districts.

Many refugees are in critical condition in hospitals. Owing to the sharp rise in the number of refugees in Azerbaijan, there is an acute shortage of medicines.

Thus, as a result of Armenia's aggression against Azerbaijan, which is already in its fifth year, there are 479,009 refugees and displaced persons of Azerbaijani nationality.

That number includes 195,000 Azerbaijanis who have historical roots in Armenia and who were expelled from that country in 1988 and 1989; 72,852 refugees from Nagorny-Karabakh; 66,271 from the so-called "Lachin humanitarian corridor"; 78,906 from districts of Azerbaijan on the frontier with Armenia, who were forced to leave their homes because of the incessant shelling from the territory of Armenia, of Azerbaijani towns and villages across the frontier. That number has been increased by the 65,980 people fleeing from Armenian aggressors and occupiers in the Kelbadjar district of Azerbaijan.

Moreover, the number of refugees increases every day, since the Armenian armed forces are continuing military operations in south-western Azerbaijan in the Fizuli, Zangelan, Kubadly and Djebrail districts of Azerbaijan.

I request that you take these figures into consideration when you prepare your report to the Security Council in accordance with the statement made by the President of the Security Council on 6 April 1993 [S/25539].

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations

DOCUMENT S/25586

Letter dated 12 April 1993 from the representative of the United States of America to the Secretary-General

[Original: English]
[13 April 1993]

I have the honour to transmit the enclosed seventh submission of the Government of the United States of America as requested by paragraph 5 of Security Council

resolution 771 (1992) and paragraph 1 of Council resolution 780 (1992).

I should be grateful if the present letter and the submission would be circulated as a document of the Security Council.

(Signed) Madeleine ALBRIGHT
*Permanent Representative of the United States of America
to the United Nations*

DOCUMENT S/25589**

**Letter dated 13 April 1993 from the representative of
Yugoslavia to the Secretary-General**

[Original: English]
[13 April 1993]

Regarding the letter of the Permanent Representative of Croatia to the United Nations of 31 March 1993 [S/25513], I have the honour to point out the following:

The Permanent Representative of Croatia regrettably took advantage of the letter of the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia concerning the assessed contribution of the Federal Republic of Yugoslavia to the United Nations budget² to advance a series of erroneous interpretations and unfounded allegations concerning the status of Yugoslavia in the United Nations.

In this connection, I would like to recall that, in the opinion of the Legal Counsel of 29 September 1992,³ it was stated, *inter alia*, that "resolution [47/1] neither terminates nor suspends Yugoslavia's *membership* in the Organization" and that "the resolution does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies".

Evidently, the Permanent Representative of Croatia is not aware of the fact that a decision to suspend someone cannot refer to a non-member State. The "entity", as implied by the distinguished Ambassador, cannot and does not pay any contribution to the United Nations budget at all, particularly not the one he refers to as "Federal Republic of Yugoslavia (Serbia and Montenegro)".

Moreover, the status and continuing membership of the Federal Republic of Yugoslavia in the United Nations is also evidenced by General Assembly decision 47/456 of 23 December 1992, by which the Assembly, in adopting the recommendation of the Committee on Contributions,

determined a new reduced rate of contribution for the Federal Republic of Yugoslavia to the United Nations budget.

There is no need to read between the lines to comprehend that the Minister wrote on behalf of our country, which you have properly referred to as the Federal Republic of Yugoslavia, when addressing him in order to settle its part of the contribution to the United Nations budget and, as you may observe, not for a moment implied that the Federal Republic of Yugoslavia was the sole successor to the Socialist Federal Republic of Yugoslavia. This is also affirmed by the active participation of the Federal Republic of Yugoslavia in the International Conference on the Former Yugoslavia in resolving issues arising from succession of the former Yugoslavia.

In singling out only one view on the status of Yugoslavia in the United Nations, the Permanent Representative of Croatia did not take into account other relevant opinions on this issue. However, the only binding decisions on this matter are those already adopted by the Security Council and the General Assembly.

I should be grateful if you would have this letter circulated as a document of the General Assembly and of the Security Council.

(Signed) Dragomir DJOKIC
*Chargé d'affaires a.i. of the
Permanent Mission of Yugoslavia
to the United Nations*

DOCUMENT S/25593***

**Letter dated 13 April 1993 from the representative of
Turkey to the Secretary-General**

[Original: English]
[13 April 1993]

I have the honour to enclose herewith the text of the declaration made by the Government of Turkey in connection with the joint statement of the depositary Governments of the Treaty of Non-Proliferation of nuclear Weapons concerning the withdrawal of the Democratic People's Republic of Korea from the said Treaty [S/25515].

I should be very grateful if you would have the present letter and the declaration circulated as a document of the General Assembly and of the Security Council.

(Signed) Tahsin BURCUOĞLU
*Chargé d'affaires of the Permanent Mission
of Turkey to the United Nations*

* The document is not reproduced in the present Supplement; it may be consulted in the files of the Secretariat.

** Circulated under the double symbol A/47/926-S/25589

*** Circulated under the double symbol A/48/137-S/25593

TEXT OF THE DECLARATION

The Government of Turkey associates itself with the joint statement of the depositary Governments of the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 concerning the withdrawal of the Democratic People's Republic of Korea from the said Treaty [S/25515].

The Government of Turkey wishes to underline, in this context, that all the countries that have not yet done so should become parties to the Treaty on the Non-Proliferation of Nuclear Weapons, and that all the parties to the Treaty should fully observe their obligations arising under the Treaty.

The Government of Turkey reiterates its stronghold view that relevant steps should be taken as early as possible for the further strengthening of the verification regime of the Treaty on the Non-Proliferation of Nuclear Weapons in order to prevent the violation of obligations under the Treaty through an effective international control and monitoring system.

DOCUMENT S/25595

Letter dated 13 April 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

*[Original: English]
[15 April 1993]*

I have the honour to transmit to you the statement of 10 April 1993 issued by the spokesman of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

*(Signed) PAK Gil Yon
Permanent Representative of the Democratic People's
Republic of Korea to the United Nations*

TEXT OF THE STATEMENT

A "statement of the President" concerning the so-called "nuclear problem" of DPRK [*Democratic People's Republic of Korea*] was released on 9 April 1993 after talks behind closed doors in the Security Council.

It expressed "concern over the situation created after DPRK's withdrawal from the nuclear non-proliferation Treaty" and said "the members of the Security Council welcome all efforts aimed at resolving this situation and, in particular, encourage the International Atomic Energy Agency to continue its consultation with DPRK".

As the process of the talks shows, the Security Council, by origin, is not a place for debating such matters as the fictitious "nuclear problem" of DPRK.

It mainly discusses such acts as disturbing and endangering world peace and security.

DPRK's withdrawal from NPT and the problems in the implementation of the Safeguards Agreement are matters pertaining to sovereignty. They cannot be considered to be acts wrecking world peace and threatening other country's security.

If the "nuclear suspicion" against the DPRK poses a threat to world peace and security, the nuclear weapons which actually exist in other nations must be a threat a hundredfold more grave.

If the Security Council wants to deal with the nuclear problem from a stand of guaranteeing world peace and security, it must call in question, first of all, the United States which was the first in the world to develop nuclear weapons and has the largest arsenal of such kind of weapons.

How can the Security Council remain indifferent to the illegal acts of the United States and some officials of the IAEA [*International Atomic Energy Agency*] secretariat who brought the situation of the Korean peninsula to the extreme pitch of strain by resuming the nuclear-war rehearsal "Team Spirit" joint military manoeuvres, which had been suspended, today when the cold war has come to an end and who violate the sovereignty and security of a non-nuclear State by abusing the statute of IAEA, NPT and the Safeguards Agreement?

The Security Council must not depart from the principle of international justice and impartiality.

We are a victim who has been exposed to nuclear threat and had its sovereignty infringed upon. The offenders are the United States and some officials of IAEA manipulated by it.

If the Security Council leaves alone the Western Powers and their followers, though they are offenders, and looks down on and slights small countries, though they are victims, the small countries of the third world will no more trust the present Council.

As we have declared time and again, there is no change in our position sincerely to fulfil our obligations pursuant to the Nuclear Safeguards Agreement, and our position to solve the problems that might arise therefrom through negotiation is consistent.

On 30 March, we proposed once again to IAEA to hold negotiations concerning the implementation of the Safeguards Agreement.

We still hope that IAEA will revoke its unreasonable "resolution" charging DPRK with "non-compliance" with the Safeguards Agreement and respond to our proposal for negotiation.

It is the United States that has increased its nuclear threat to us and compelled us to withdraw from NPT, and it is also

the United States that manipulated IAEA to abuse the Safeguards Agreement. So, the final solution of this problem depends on DPRK-USA negotiation.

What the Security Council can do with regard to DPRK's "nuclear problem" is to take practical steps to make the United States respond to negotiations with us and fully discharge its responsibility and duty.

We hope that the Security Council will act properly in conformity with the demand of the present situation and the principle of international justice lest it should repeat its past error in dealing with the Korean issue.

DOCUMENT S/25596*

Letter dated 13 April 1993 from the representative of the Russian Federation to the Secretary-General

*[Original: Russian]
[14 April 1993]*

I have the honour to transmit to you herewith a letter from the Minister for Foreign Affairs of the Russian Federation, Mr. A. V. Kozyrev.

I should be grateful if you would have the text of the present letter and that of the Minister circulated as a document of the General Assembly and of the Security Council.

*(Signed) Y. VORONTSOV
Permanent Representative of the Russian Federation
to the United Nations*

LETTER DATED 8 APRIL 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION TO THE SECRETARY-GENERAL

I am writing to you on a matter which, as a result the events of recent years, has become one of the urgent priority tasks facing the international community.

I am referring to the pernicious influence of armed conflicts on the humanitarian climate of our planet. I fully support the efforts of the United Nations and your own personal contribution towards averting and settling conflicts, but in this letter I should like to focus on the human dimension of the problem.

The expanding geographical scope of armed conflicts, as well as the ever-increasing bitterness of the fighting, which results in enormous losses, above all among the civilian population, give cause for alarm. It is particularly sad that use is being made against the civilian population of types of weapons which may have indiscriminate effects such as:

aircraft, anti-personnel mines, missiles and artillery, igniting mixtures, rocket salvo systems and poisonous substances.

In places where the lines of military confrontation are drawn on the basis of ethnicity and religious belief, the taking of hostages, violence, plunder, looting, open terror and mass deportations are common practices. Religious and cultural facilities and the means of livelihood are brutally destroyed. The recruitment and use of mercenaries is practised and criminal elements and even children are drawn into the war. Recently formed armed forces, which have a very vague idea of the laws and customs of war and the elementary rules governing the treatment of prisoners of war and civilians, are actively engaged in present-day conflicts.

Russia holds an honoured place in the history of diplomacy and international law as one of the first to advocate the humanization of the military sphere. Following these traditions of mercy, democratic Russia sees it as its duty to urge the international community to intensify its efforts to protect the victims of both international and internal conflicts.

Among the most immediate tasks facing the international community in this area is the establishment of an atmosphere of active rejection and resolute condemnation of any violations of international humanitarian law. The most powerful political and diplomatic impetus in this direction could be provided by the Security Council and the General Assembly. Such efforts might include a review of the work being done to bring into force the mechanism for combating the use of mercenaries provided for in the Convention drawn up and adopted under United Nations auspices in 1989. In the Russian Federation, work has begun on the procedures for adherence to this important international instrument and we call upon all States in the world, in the light of the tragic events of recent times, once again to consider making it a universal code of international rules with a view to putting an end to the dangerous phenomenon of the use of mercenaries.

We believe that the United Nations could give an impetus to international cooperation by restricting the permissible parameters for military action, for instance by expanding the list of civilian installations, attacks on which must, in every case, be regarded as a military crime. These installations might include, for example, humanitarian aid convoys, corridors for the delivery of such aid, localities where there are mass concentrations of refugees and the means of transport for their conveyance, and food supplies.

A key question of humanitarian law is responsibility for crimes against the civilian population, the wounded and prisoners of war.

The Russian Federation supports efforts to establish a special international tribunal in connection with crimes committed in the territory of the former Yugoslavia. We recently transmitted proposals regarding the establishment and effective functioning of such an organ.

* Circulated under the double symbol A/48/138-S/25596.

In the context of the problem of putting an end to military crimes, the work being carried out by the Commission with a view to the early establishment of a permanent international criminal court takes on practical significance. It would be useful to recommend that the Commission should pursue on a more practical level its related work on the drafting of a code of crimes against the peace and security of mankind.

Priority must be given to the protection of human rights and fundamental freedoms and respect for the honour and dignity of the human being everywhere and always, even within the sound of bursting shells and whistling bullets. Humanism and mercy must prevail where today the ideas of military necessity and the desire to inflict the maximum number of casualties on the enemy dominate.

The Russian Federation is prepared to make its contribution to this noble task and intends to make additional comments with a view to easing the plight of the victims of armed conflicts on the basis of the strengthening of the international legal regime for their protection.

DOCUMENT S/25597*

Letter dated 14 April 1993 from the representative of the United Arab Emirates to the Secretary-General

*[Original: Arabic]
[14 April 1993]*

On instructions from my Government I have the honour to transmit herewith the communiqué issued by the Ministerial Council of the Gulf Cooperation Council at its forty-sixth session, held at Riyadh on 4 and 5 April 1993.

I should be grateful if you would have the present letter and the communiqué circulated as a document of the General Assembly and of the Security Council.

*(Signed) Ali Thani AL-SUWAIDI
Chargé d'affaires a.i. of the Permanent Mission
of the United Arab Emirates to the United Nations*

TEXT OF THE COMMUNIQUE

The Ministerial Council of the Gulf Cooperation Council held its forty-sixth session on Sunday and Monday, 4 and 5 April 1993 (12 and 13 Shawwal 1413) at Riyadh under the chairmanship of Mr. Rashid Abdullah al-Nuaimi, Minister for Foreign Affairs of the United Arab Emirates, and with the following persons in attendance:

- Sheikh Mohammed Bin Mubarak Al Khalifa, Minister for Foreign Affairs of Bahrain;

- His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of Saudi Arabia;
- Mr. Yousef Bin Alawi Bin Abdulla, Minister of State for Foreign Affairs of Oman;
- Sheikh Hamad Bin Jassim Bin Jaber Al Thani, Minister for Foreign Affairs of Qatar;
- Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait.

The Ministerial Council began its meeting by welcoming Sheikh Fahim Bin Sultan al-Qasimi as Secretary-General of the Gulf Cooperation Council, wishing him every success in his new functions. The Council expressed its high appreciation of the great efforts made by Mr. Abdalla Yaccoub Bishara, former Secretary-General of the Council, and his contribution of much effort, time and expertise and wished him every success in whatever functions might be entrusted to him in the future.

The Ministerial Council reviewed developments in the regional and international situation and noted with extreme concern that the Iraqi regime was continuing its threats to the independence and security of Kuwait, repeating its attacks on and violations of the integrity of the international boundary between the two countries, endangering peace and stability in the region and continuing to follow a policy of prevarication and procrastination in the implementation of Security Council resolutions relating to its aggression against Kuwait.

The Ministerial Council vehemently condemns the aggressive policies and practices of the Iraqi regime against Kuwait and its efforts to evade its international obligations under the terms of the cease-fire. It reaffirms its constant position on the necessity of Iraq's implementation of all Security Council resolutions relating to its aggression against Kuwait and all the provisions of resolution 687 (1991) relating to the release of imprisoned and detained Kuwaitis and nationals of third States, the demarcation of the boundary, payment of compensation, acceleration of the return of all stolen property and facilitation of the work of the international inspections teams entrusted with the task of eliminating all weapons of mass destruction. The Council calls upon the international community to continue the pressure on the Iraqi regime in order that it may desist from its course of expansionist aggression and comply fully with all the resolutions of international legitimacy.

The Ministerial Council expresses profound satisfaction at the adoption of Security Council resolution 806 (1993), providing for the strengthening of the United Nations Iraq-Kuwait Observation Mission and the extension of its terms of reference and reaffirming the Security Council's guarantee of the inviolability of the international boundary between Kuwait and Iraq. The Council reaffirms its wholehearted desire for the unity and territorial integrity of Iraq. The Iraqi regime bears full responsibility for the acts of bloody violence and any other human suffering to which the

* Circulated under the double symbol A/48/140-S/25597.

Iraqi people has been exposed as a result of that regime's refusal to implement Security Council resolutions 706 (1991) and 712 (1991) concerning Iraq's requirements of foodstuffs and medicines.

The Ministerial Council reviewed new developments in relations with the Islamic Republic of Iran and the issue of the three islands of Abu Musa, the Greater Tunb and the Lesser Tunb belonging to the United Arab Emirates. It expressed extreme regret and concern at the unacceptable conditions set by the Iranian side for the resumption of talks on the three islands, which encroach on the sovereignty and territorial integrity of the United Arab Emirates, and Iran's refusal to go along with the efforts of the Secretary-General in this regard.

The Ministerial Council stresses its censure and total rejection of Iran's claims to the island of Abu Musa and the measures taken by it, which it regards as a threat to security and stability in the region. The Council reiterates its call to the Islamic Republic of Iran to rescind the measures taken by it in respect of the island and to end its occupation of the islands of the Greater Tunb and the Lesser Tunb, because the continuation of that situation will have negative repercussions on relations between the two sides, constitute a threat to security and stability in the region and increase tension there.

The Ministerial Council recalls the statement in the Final Communiqué of the Abu Dhabi summit that the development of relations between the two sides is linked to the consolidation of trust between them and to the implementation by the Islamic Republic of Iran of steps that would conform to its adhesion to the principles of good neighbourliness and respect for the sovereignty and territorial integrity of the States of the region and the principle of non-interference in the internal affairs of States. It reaffirms its solidarity with and full support for the stand adopted by the United Arab Emirates and its support for all peaceful measures and means which it may deem appropriate to restore its sovereignty over its three islands, on the basis of international legitimacy and the principle of collective security.

The Ministerial Council also studied developments in the Middle East peace process and reaffirmed the commitment of its member States to supporting peace negotiations aimed at arrival at a just, lasting and comprehensive solution of the Arab-Israeli conflict and the question of Palestine based on Security Council resolutions 242 (1967) and 338 (1973), the achievement of total Israeli withdrawal from the Arab occupied territories, including Jerusalem, the guaranteeing of the legitimate national rights of the Palestinian people, including its right to self-determination, and the establishment of sound foundations to ensure security and stability in the region.

The Ministerial Council commends the efforts being made by the sponsors of the Conference, particularly the affirmation by President Clinton's Administration of the absolute commitment of the United States of America to the peace process, its assumption of a role of full participation

and its endeavour to overcome the obstacles holding up the momentum of the talks.

The Ministerial Council vehemently condemns the Israeli side's violation of the rights of Palestinians in the occupied Arab territories and its practices involving the most repugnant kinds of terrorism, oppression, murder, the taking of innocent lives, particularly those of children, demolition of homes, the continuation of settlement operations in the occupied Arab territories and the deportation of more than 400 Palestinians from their land, in violation of the fourth Geneva Convention. It calls upon the Security Council to take action to ensure the implementation of resolution 799 (1992) concerning the return of the Palestinian deportees to their land.

The Ministerial Council is also following developments in the situation in Somalia and expresses its satisfaction at the fact that the Somali parties have arrived at a national reconciliation agreement. It reaffirms the support of the States members of the Council for the Somali side and calls upon the international community to continue supporting the efforts being made to restore security and stability to that fraternal country, so that it may resume the course of construction and development and play its positive role at the Arab and the international levels.

The Ministerial Council welcomes the Peace Accord in Afghanistan arrived at by the Afghan Mujahidin factions in the blessed month of Ramadan. The Council commends the constructive efforts made by Saudi Arabia as represented in the noble and sincere endeavours made by the Custodian of the Two Holy Mosques King Fahd Bin Abdul-Aziz Al Saud, who invited the Mujahidin to renounce their disputes and come to Makkah for a reconciliation. It also appreciates the positive and continuous efforts made by Pakistan to this end. The Council congratulates the leaders and people of Afghanistan on reconciliation and the return of security and stability to that fraternal Muslim country and voices its expectation that Afghanistan will enter on a new phase of stability and peace that will enable it to make up for lost time in its development for the good and prosperity of the Afghan people.

The Ministerial Council has followed with deep concern the continuation of the grievous human tragedy of the people of the Republic of Bosnia and Herzegovina, resulting from the continuation by the irregular Serbian forces, supported by Serbia and Montenegro, of their heinous aggression in violation of United Nations covenants and international law and in defiance of international legitimacy.

The Ministerial Council vehemently condemns the Serbian aggression against the Republic of Bosnia and Herzegovina and the commission by Serbian forces of the most repugnant crimes of ethnic cleansing and of slaughter, organized looting, terrorism, displacement, starvation and the destruction of homes and places of worship and calls upon the Security Council to take all necessary steps, including the lifting of the arms embargo imposed on the Republic of Bosnia and Herzegovina, to enable it to exercise the right of

self-defence and resort to military force on the basis of Chapter VII, Article 42, of the Charter of the United Nations, with a view to restoring international peace and security, compelling the forces of aggression to comply with the resolutions of international legitimacy, depriving the aggressors of any rewards by preventing any change in the demographic composition or the acquisition of territorial gains and forcing the Serbian forces to withdraw and respect the independence, sovereignty and territorial integrity of the Republic of Bosnia and Herzegovina.

In this connection, the Ministerial Council welcomes the Security Council's adoption of its resolution providing for the use of military force to down Serbian aircraft that violate the no-fly zone in the airspace of the Republic of Bosnia and Herzegovina as a step in the right direction. The Council also expresses its satisfaction at the adoption last February of the Security Council resolution setting up an international tribunal for the prosecution of persons responsible for crimes against humanity in Bosnia and Herzegovina, in accordance with the Geneva Conventions. The Ministerial Council urges the international community to strengthen penalties and redouble pressures on Serbia and Montenegro.

The Ministerial Council reviewed the minutes of the meeting of the Standing Committee on Petroleum Cooperation and welcomes its recommendations. Proceeding from the belief of the States members of the Council in the importance of the endeavour to guarantee freedom of international trade and to eliminate and ease restrictions on its flow, and in view of the major importance of the power sector generally, and petroleum in particular, in international trade, the Ministerial Council welcomed the Conference of Petroleum Ministers of the Organization of Petroleum Exporting Countries and non-member producing States held at Muscat on 13 April 1993. It expressed the hope that the Conference would produce effective means of preventing an increase in the tax burden on petroleum and petroleum derivatives, imposed primarily in the major consumer States, inasmuch as such a tax increase would be an impediment to international trade. The Ministerial Council affirmed in this connection the resolve of the States members of the Council to continue negotiations with the major consumer States in order to protect the vital interests of the States members of the Council and strengthen international trade.

In the context of talks between States members of the Ministerial Council and economic groups, the Ministerial Council approved the holding of a new round of talks with Japan in June 1993. The Council welcomes the conference of businessmen from the States members of the Council and their counterparts from the United States to be held on 20 and 21 April 1993, and the Council agreed that the secretariat should consult with the United States Government in order to set the date for the forthcoming round of talks. On the subject of the relations of the States members of the Council with the European Community, the Ministerial Council approved the holding of a new round of trade negotiations on 15 and 16 April 1993. The Ministerial Council also discussed the topics to be brought before the next meeting of the Ministerial Council, to be held jointly

with the Ministers for Foreign Affairs of the States members of the Council and the Ministers for Foreign Affairs of the States members of the European Community, to be held at Brussels on 11 May 1993.

DOCUMENT S/25598*

Letter dated 13 April 1993 from the representative of Argentina to the Secretary-General

[Original: Spanish]
[14 April 1993]

I have the honour to transmit herewith a press release issued by the Argentine Government on 12 April 1993 concerning the political crime against the South African leader, Chris Hani.

I should be grateful if you would have the present letter and the press release circulated as a document of the General Assembly and of the Security Council.

(Signed) Emilio J. CARDENAS
Permanent Representative of Argentina
to the United Nations

PRESS RELEASE

Argentina firmly condemns the political crime committed against the South African leader, Chris Hani. The Argentine Government also repudiates all demonstrations of racial violence connected with the crime. Such acts seriously undermine the transition towards full and lasting democracy in South Africa.

Argentina reaffirms its support for the political negotiations in South Africa so that they may continue and conclude with an agreement that will represent an irreversible transformation in the situation formerly prevailing in the country. In this context it once again urges the parties involved on behalf of all the political movements, parties and groups within South Africa to promote and practise tolerance and caution and to work together in pursuance of the above objectives.

DOCUMENT S/25599

Letter dated 13 April 1993 from the representative of Azerbaijan to the Secretary-General

[Original: Russian]
[15 April 1993]

I have the honour to transmit the text of a letter dated 11 April 1993 addressed to you by the President of the Azerbaijani Republic, Mr. Abulfaz Elchibey, regarding the statement made by the President of the Security Council on 6 April 1993 [S/25539].

*Circulated under the double symbol A/48/151-S/25598.

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations

DOCUMENT S/25600

**Report of the Secretary-General pursuant to the
statement of the President of the Security Council in
connection with the situation relating to
Nagorny-Karabakh**

*[Original: English]
[14 April 1993]*

**LETTER DATED 11 APRIL 1993 FROM THE
PRESIDENT OF THE AZERBAIJANI REPUBLIC TO
THE SECRETARY-GENERAL**

In Azerbaijan, we welcome the fact that the Security Council has complied with our request that it convene an urgent meeting to consider aggression by the Republic of Armenia in the Lachin, Kelbadjar and other districts of Azerbaijan.

We have carefully studied the statement made by the President of the Security Council on 6 April 1993 [S/25539] and we are pleased that, for the first time in a Security Council document, the Council has expressed its serious concern at the latest events in the region and has demanded the immediate withdrawal of Armenian armed forces from the occupied territories.

It is extremely important that the Security Council continue to take this resolute approach in its future decisions, especially since, as the latest developments have shown, Armenia's appetite for aggression is increasing. This is confirmed by the broadening of the direction of attacks by the Armenian armed forces currently concentrated in the occupied districts of Azerbaijan. The Fizuli, Djebrail, Kubadly and Zangelan districts, with an overall population of more than 200,000, are under threat of capture.

We are convinced that the facts that the Secretary-General includes in the report that he is currently preparing will provide the Security Council with grounds for adopting a resolution qualifying Armenia's actions as aggression against sovereign Azerbaijan, demanding the immediate withdrawal of Armenian armed forces from all captured Azerbaijani territories and warning that, if Armenia failed to comply with the resolution, the Council might impose sanctions under the Charter of the United Nations.

We hope that Armenia's violation of the territorial integrity of Azerbaijan will be perceived as a challenge to the new world order.

Azerbaijani authorities are providing, and will continue to provide, comprehensive assistance to the United Nations representative in the Republic, Mr. Mahmoud Al-Said, and to representatives of the Conference on Security and Cooperation in Europe in the region, in their efforts to collect facts confirming Armenia's aggression and transmit them to the Secretary-General.

(Signed) Abulfaz ELCHIBEY

INTRODUCTION

1. In the statement made by the President of the Security Council on 6 April 1993 [S/25539], on the situation relating to Nagorny-Karabakh, the Council requested me, in consultation with the Conference on Security and Cooperation in Europe (CSCE), to ascertain facts, as appropriate, and to submit urgently a report to it containing an assessment of the situation on the ground. The present report is submitted in accordance with that request. The report has been prepared, after consultation with representatives of the Chairman-in-Office of the CSCE, on the basis of information provided to me by the United Nations representatives in Azerbaijan and Armenia.

2. In a personal letter dated 31 March 1993, the President of the Republic of Azerbaijan, Mr. Abulfaz Elchibey, drew my attention to the outbreak of fighting in the Kelbadjar district of Azerbaijan. In a letter dated 30 March 1993 [S/25491], the Permanent Representative of Azerbaijan to the United Nations had already informed the President of the Security Council about the grave situation in that district. In those and subsequent communications, the Government of Azerbaijan has taken the position that Kelbadjar was attacked by forces from the Republic of Armenia and from the enclave of Nagorny-Karabakh. The Government of Armenia, on the other hand, maintains that no military forces from the Republic of Armenia were involved in the hostilities in the Kelbadjar district. The Permanent Representative of Armenia to the United Nations, in a letter dated 1 April 1993 [S/25510], informed the President of the Security Council about his Government's view on the reasons for the fighting in the Kelbadjar district.

3. As soon as news had been received of the outbreak of new hostilities in the Nagorny-Karabakh region, the heads of the United Nations Interim Offices in Azerbaijan and Armenia had been instructed, as a matter of urgency, to ascertain the facts on the ground, as best they could. To this end, the United Nations representatives undertook, with assistance from their respective host Governments, field missions to the areas of conflict. The United Nations Representative in Azerbaijan went on such missions on 6 and from 9 to 10 April 1993. On the second occasion, he visited the areas together with a CSCE preparatory mission which arrived at Baku on 7 April 1993 in connection with the CSCE's discussions on the possible deployment of an Advance Monitoring Group in the region. The Acting United Nations Representative in Armenia undertook his missions from 9 to 10 and on 12 April 1993.

SITUATION ON THE GROUND IN AZERBAIJAN

4. On his first mission on 6 April, the United Nations Representative in Azerbaijan visited the districts of Ganja, north-east of the Kelbadjar district, and Fizuli, south-west of the enclave of Nagorny-Karabakh. Local military commanders in Ganja described the situation as very tense, indicating that the Azeri forces had lost control over the entire Kelbadjar district. They expected further advances by hostile forces. Civilian authorities in Ganja stated that the fighting in Kelbadjar had led to the displacement of 40-50,000 residents. Many of these had escaped via snow-covered mountain passes towards Dashkezan and Ganja. In Ganja, their situation appeared to be extremely serious. Many of them had walked in the snow for two to three days and were suffering from extreme exhaustion and frostbite. The local authorities in the area appeared to be overwhelmed by this humanitarian emergency. Most of the displaced people in the Ganja district were sleeping in open fields. Estimates for the remaining civilians in the Kelbadjar district varied between 3,000 and 15,000 people.

5. In Fizuli the mission met with the Speaker of the Azeri Parliament, Mr. Isa Gambar, who stated that Armenian forces were invading Azeri territory and attempting to occupy the town. The town appeared to be under military attack and incoming and outgoing shell-fire was audible.

6. During his second field mission, from 9 to 10 April, the United Nations Representative again went to Ganja as well as to the districts of Ter-Ter and Kazahk. In Kazahk the mission was informed that Armenian forces had occupied Azeri-populated enclaves within the territory of the Republic of Armenia. The local military commander also reported sporadic shelling and attempts at incursion by Armenian forces. Civilians in this area complained about the frequent theft of livestock by Armenian forces. On the second day, the mission visited Koubatly, Fizuli and Agdam. In Koubatly, which is located 2 km east of the Armenian border and south-west of Nagorny-Karabakh, the mission was told that shelling had occurred from the territory of the Republic of Armenia as well as from the Lachin corridor and Nagorny-Karabakh itself. In Fizuli there was no shelling but local officials claimed that shelling had occurred earlier the same day, killing 6 people. The situation in Fizuli remained tense. In Agdam, east of Nagorny-Karabakh, the mission was told of constant heavy shelling from Nagorny-Karabakh.

SITUATION ON THE GROUND IN ARMENIA

7. On his first field mission, from 9 to 10 April, the Acting United Nations Representative in Armenia visited the southern provinces of Ararat and Goris. In several villages near the Azeri border the mission was shown evidence of substantial destruction, resulting from mortar shelling. While visiting the village of Khndzorask a mortar shell exploded only about 20 metres away from the United Nations vehicle, which was clearly marked as such. The mission also had to leave the village of Korndzor when tank fire began, apparently from the territory of Azerbaijan. On 10 April the mission came to the view that because of the very rugged

topography only aerial reconnaissance would permit a meaningful assessment of the border area between Armenia and the Kelbadjar district of Azerbaijan. The Armenian Government was requested to provide a helicopter for this purpose.

8. After some delay, a helicopter was made available on 12 April and the United Nations Representative was able to carry out a reconnaissance, from Armenian airspace, of the border between the Republic of Armenia and the Kelbadjar district of Azerbaijan. No sign of hostilities, military movements or presence of the armed forces of the Republic of Armenia was observed.

HUMANITARIAN RELIEF

9. Following the outbreak of fighting in Kelbadjar and the outflow of displaced persons from that area, the UNHCR [*Office of the United Nations High Commissioner for Refugees*] mission at Baku immediately dispatched a field team to Ganja and Dashkezan to assess the sudden emergency situation. The field mission estimated that relief items (blankets, winterized tents, sleeping bags and basic foodstuffs) for about 50,000 displaced persons were needed. At Baku, the UNHCR mission discussed the provision of emergency relief with senior government officials, including the Prime Minister and Deputy Prime Minister of Azerbaijan. Plans for the airlifting of shelter items and the sending of foodstuffs are currently being implemented by UNHCR.

OBSERVATIONS

10. The intensification of fighting in and around Nagorny-Karabakh, especially the recent attacks against the Kelbadjar and Fizuli districts of Azerbaijan, poses a serious threat to the maintenance of international peace and security in the entire Transcaucasus region. Because of the hostilities, it has not been possible for United Nations personnel to visit the Kelbadjar district itself and establish the precise facts on the ground. It is clear, however, that there has been a major outbreak of fighting in various locations in Azerbaijan, outside the enclave of Nagorny-Karabakh. Reports of the use of heavy weaponry, such as T-72 tanks, Mi-24 helicopter gunships and advanced fixed wing aircraft are particularly disturbing and would seem to indicate the involvement of more than local ethnic forces. However, the observations by the United Nations representatives in the areas that they were able to visit have not made it possible to confirm this involvement.

11. The fighting in the Kelbadjar district has led to a humanitarian emergency. An estimated 50,000 persons are displaced, adding to the already very serious humanitarian burden of refugees and displaced persons in Azerbaijan. Moreover, many civilians from Kelbadjar are still unaccounted for. Unimpeded access to the area should be granted immediately to international relief organizations to ascertain the humanitarian situation and to provide relief to the civilian population.

12. The conflict over Nagorny-Karabakh, involving both Armenia and Azerbaijan, can only be resolved by peaceful means. I strongly urge all parties to cease fighting and return to the negotiating table within the CSCE's Minsk process. The recent agreement on the terms of reference for the deployment of an Advance Monitoring Group of the CSCE was an encouraging first step towards a peaceful settlement of the conflict. Speedy progress should now be made to reach further agreements on the remaining documents, thus enabling the deployment of CSCE monitors in the region. I remain prepared, as I have been throughout the past twelve months, to give my full and active support to the CSCE's effort to convene the Minsk Conference as soon as possible and I reaffirm my willingness to lend technical assistance in the deployment of the CSCE monitoring mission.

DOCUMENT S/25601

Letter dated 14 April 1993 from the representative of Croatia to the President of the Security Council

*[Original: English]
[15 April 1993]*

I have the honour to reiterate the position of my Government concerning the efficient protection of the international borders of the Republic of Croatia in the part where they form the boundary of the United Nations Protected Areas (UNPAs).

It is the strong conviction of my Government that one of the pillars of the mandate of the United Nations Protection Force (UNPROFOR) - as it stands today - is the effective implementation of Security Council resolution 769 (1992) and the Secretary-General's report [S/24353 and Add. 1]. The recommendations set forth in the said report (sect. II.C, "Control of international borders", paras. 19-22) and endorsed by resolution 769 (1992) were never implemented, thus creating major problems both for the Government of Croatia and for UNPROFOR, and allowing for flagrant violations of the sanctions imposed against the country provisionally referred to as the "Federal Republic of Yugoslavia (Serbia and Montenegro)" by resolution 757 (1992) and subsequent relevant resolutions.

The Government of Croatia has been alerted of the fact that the Secretariat has for the past six months been aware of the pillage of Croatian oil by the Serb insurgents at the Djeletovci oilfield in UNPA Sector E, resulting in damages that run in the vicinity of \$50,000 a day, taking into consideration the estimated production from the 31 flowing wells at a rate of about 350 tons/day (2,500 bbl./day); other pumping and gas-lift wells appeared to be idle. The report confirming those facts, and describing the incapacity of UNPROFOR to prevent the incidents, has been submitted to the Chief of the Field Personnel Section, Field Operations Division, Office of General Services of the Secretariat, under the document symbol FOD/DAM/92/022 - Amendment No. 1, on 20 October 1992 by International Subsea Systems, Inc., Houston, Texas, United States of America.

The aforesaid document reports the findings of an independent expert that was commissioned in order to investigate allegations that the Serbian insurgents are extracting oil from the Croatian oilfield in the UNPA East, and shipping the stolen oil to the "Federal Republic of Yugoslavia (Serbia and Montenegro)" in violation of resolution 757 (1992); we emphasize that the document shows evidence that the theft is occurring, and that UNPROFOR, due to the "lack of cooperation by the local Serb authorities in Sector East", is unable to stop the present and prevent the future pillage of Croatian property and violation of sanctions.

It is our belief that this matter has not yet been properly brought to the attention of the Security Council.

At the same time, the situation described is creating numerous problems for the UNPROFOR forces on the ground, which are documented in several communications from the Under-Secretary-General for Peace-keeping Operations to the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia. Namely, in the letter dated 4 February 1993 (S/AC.27/1993/COMM.755), the Under-Secretary-General informs the Committee that "it should be noted that as a result of the lack of cooperation by the local Serb authorities in Sector East, UNPROFOR so far has not been able to undertake the immigration and customs functions mandated by Security Council resolution 769 (1992); ... as a result, UNPROFOR is not in a position to prevent these apparent violations of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)".

The grave concerns of UNPROFOR in regard to this matter transpire from innumerable observed and registered "tanker trucks crossings" over the unprotected and unguarded international border between the Republic of Croatia and the "Federal Republic of Yugoslavia (Serbia and Montenegro)" communicated to the Committee in documents S/AC.27/1993/COMM.755 and Add.1-8. No doubt that considerable amount of oil that is produced daily at the Djeletovci oilfield contributes to the violation of sanctions. Namely, the aforesaid report determined that the daily production of oil would amount to 20 truckloads a day. One has to take into consideration, however, that there is also an underground pipeline connecting the oilfield and the Opatovci tank farm.

We believe that the extraction of oil and its shipment across the international borders of Croatia is a blatant theft of its property and has to cease. We propose that the production of oil be stopped and further prevented; that the facilities on the Djeletovci oilfield be permanently guarded by UNPROFOR personnel; and that the installations remain idle until the conditions permit the return of the legitimate owners - the Croatian oil company "INA".

In accordance with the commitments that the Security Council has reaffirmed in resolution 815 (1993), in particular emphasizing that the UNPAs are "integral parts of the territory of the Republic of Croatia"; having in mind the

continuing pillage of Croatian property; concerned with the violations of sanctions imposed by resolution 757 (1992) that are committed from the territory of the Republic of Croatia; it is a firm belief of my Government that the solution lies in full implementation of resolution 769 (1992). We urge the members of the Council to consider the position of the Government of Croatia when considering UNPROFOR's mandate in accordance with the provisions set forth in paragraph 3 of resolution 815 (1993).

I would ask for your kind assistance in distributing this letter as a document of the Security Council.

*(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations*

DOCUMENT S/25603

Letter dated 15 April 1993 from the representative of Azerbaijan to the Secretary-General

*[Original: English]
[15 April 1993]*

I have the honour to transmit herewith the text of the letter 15 April 1993 from the President of the Azerbaijani Republic, Mr. Abulfaz Elchibey, addressed to the Secretary-General, Mr. Boutros Boutros-Ghali.

In the letter the President requests that a fact-finding mission be urgently despatched in the next two or three days, in order to obtain detailed information concerning the ongoing aggression conducted by the Republic of Armenia against the Azerbaijani Republic.

I would greatly appreciate it if the letter could be circulated as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

LETTER DATED 15 APRIL 1993 FROM THE PRESIDENT OF THE AZERBAIJANI REPUBLIC TO THE SECRETARY-GENERAL

[Original: Russian]

I thank you most sincerely for your prompt response to my letter and for conveying the facts contained therein to the President and members of the Security Council, as well as for instructing your representative in Azerbaijan, Mr. Mahmoud al-Said, to ascertain the situation in the field.

Fact-finding is, of course, extremely difficult in areas of military operations. Your representative, whom we tried to help in every way we could, was naturally unable to visit the occupied city of Kelbadjar itself, as such a visit was impossible and would have entailed extreme risk to his life.

At the same time, does not the fact that 50,000 refugees - including hundreds of civilian inhabitants suffering from frostbite injuries incurred during their flight through the deep snow of the mountain passes - have been registered by the International Committee of the Red Cross amply demonstrate the wide-scale aggression waged by Armenia?

How could the Armenian self-defence forces of Nagorny-Karabakh possibly be capable of occupying such an extensive area in a mere two or three days and of expelling such a large number of people from their homes? The aggressor brazenly denies all involvement, hoping once again to delude the international community, as it has succeeded in doing thus far.

I have the deepest respect for the United Nations and all its subsidiary organs and I would not wish the Organization, to which the entire Azerbaijani people looks with hope, to be held hostage to the political intrigues of the various forces endeavouring to support the aggressor and to pass black off as white.

According to the information we have received, the Armenian military leadership will try to hide any trace of its crimes and replace its own troops in the Kelbadjar district with those from formations in Nagorny-Karabakh. If your efforts to dispatch a United Nations mission to Kelbadjar within two or three days do not succeed, this charade may go ahead.

By appealing to you, Sir, I simultaneously appeal to all the members of the Security Council. I appeal to their consciences, to their sense of justice and, finally, to the Lord God in their hearts, who is ever present and all-seeing.

(Signed) Abulfaz ELCHIBEY

DOCUMENT S/25605

Letter dated 15 April 1993 from the representative of Venezuela to the President of the Security Council

*[Original: English/Spanish]
[15 April 1993]*

As Coordinator of the countries of the Movement of Non-Aligned Countries that are members of the Security Council (Cape Verde, Djibouti, Morocco, Pakistan and Venezuela), I have the honour to transmit to you a copy of a statement dated 15 April 1993 concerning the situation in the Republic of Bosnia and Herzegovina.

I should be grateful if you would have this statement circulated as a document of the Security Council.

*(Signed) Diego ARRIA
Permanent Representative of Venezuela
to the United Nations*

TEXT OF THE STATEMENT

The members of the Movement of Non-Aligned Countries in the Security Council, co-sponsors of the draft resolution before the Council on the situation in Bosnia and Herzegovina [S/25558], remain convinced that there is no alternative for a lasting and peaceful settlement of the conflict in the Republic of Bosnia and Herzegovina to the Vance-Owen peace plan, which has been accepted by two of the three Bosnian parties. Thus, they have individually and collectively given their full support to the efforts of the Co-Chairmen of the International Conference on the Former Yugoslavia for a diplomatic and negotiated end to the conflict. We believe that the plan must receive full and unequivocal support by the Council.

We are convinced that a stage has been reached wherein all means allowed by the Charter of the United Nations must be brought to bear by the Security Council on the Bosnian-Serb party, which has so far refused to accept in full the peace plan. Incommensurable harm, both in human and material terms, has already been done. Such a situation cannot be tolerated further.

In this context, we consider as extremely serious the postponement of the adoption of the aforementioned draft resolution and view it as a dangerous precedent. Although it has been argued that a postponement of action by the Security Council on the draft resolution would allow for further diplomatic efforts, we consider that the Bosnian-Serb party has given ample proof that it is not willing to heed to any goodwill efforts for peace, as the renewed shelling of Sarajevo and Srebrenica clearly shows. At the same time, it would be highly undesirable if consideration by the Council of an issue of vital importance for international peace and security, such as the situation in Bosnia and Herzegovina, was not allowed to be fully considered purely on its own merits.

We share the assessment of Messrs. Vance and Owen on the need for immediate implementation of the proposed economic sanctions on the Federal Republic of Yugoslavia (Serbia-Montenegro) as a measure necessary for the immediate acceptance of the peace plan by the Bosnian-Serb party and to guarantee thereafter its full implementation in good faith.

We stand behind the principles contained in the draft resolution which we have co-sponsored. In this context, we have proposed the immediate consideration by the Security Council of the situation in Bosnia and Herzegovina. We are convinced of the need for the overall membership of the United Nations to express their views on this issue.

We reiterate that the scope of measures the international community must address to help prevent a renewal of the Serbian aggression in Bosnia and Herzegovina should include, in addition to those already identified in the draft resolution, the immediate immobilization of heavy weapons and placing them under effective international control; lifting of the arms embargo presently hampering the right to

self-defence of the Government of Bosnia and Herzegovina; effective interdiction of all arms supplies to the Bosnian-Serb party; and effective enforcement of comprehensive sanctions on the Federal Republic of Yugoslavia (Serbia Montenegro).

We draw attention of members of the Security Council to the provisional order issued on 8 April 1993 by the International Court of Justice,⁶ which, *inter alia*, calls upon Yugoslavia (Serbia-Montenegro) to "immediately ... take all measures within its power to prevent commission of the crime of genocide" in Bosnia and Herzegovina.

The members of the Movement of Non-Aligned Countries in of the Security Council wish to underline the individual and collective responsibility of all members of the Council in upholding the principles and purposes of the Charter of the United Nations at this hour of trial for a Member State of the Organization.

DOCUMENT S/25606*

Letter dated 14 April 1993 from the representative of Denmark to the Secretary-General

*[Original: English/French]
[15 April 1993]*

I have the honour to transmit herewith the text of a statement on the assassination of Chris Hani in South Africa issued by the European Community and its member States on 11 April 1993.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

*(Signed) Bent HAAKONSEN
Permanent Representative of Denmark
to the United Nations*

TEXT OF THE STATEMENT

The European Community and its member States strongly condemn the assassination of Chris Hani yesterday. They extend their deep-felt condolences to Mr. Hani's wife and family.

It is indeed tragic that Chris Hani, who has been appealing for an end to violence and a return to peace, should himself die from the bullets of an assassin. A full and thorough investigation of the murder is called for. The European Community and its member States stand ready to help in any way it can, for example, through its observers already in South Africa or its experts on the Goldstone Commission.

While fully understanding the grief of many South Africans over the loss of Chris Hani, the European Community and its member States appeal for calm and

*Circulated under the double symbol A/48/153-S/25606.

restraint in this difficult situation. Those elements wanting to prevent a speedy and peaceful transition to a democratic, non-racial and united South Africa must not be allowed to succeed. The European Community and its member States therefore renew their call to all parties engaged in the multi-party negotiations to redouble their efforts to reach a negotiated settlement, to do their utmost to bring the violence to an end and to renounce violence in all its forms.

DOCUMENT S/25607

Letter dated 15 April 1993 from the representative of Turkey to the President of the Security Council

*[Original: English]
[15 April 1993]*

I have the honour to address you this letter on behalf of the Contact Group on Bosnia and Herzegovina of the Organization of the Islamic Conference (OIC), consisting of Egypt, the Islamic Republic of Iran, Malaysia, Pakistan, Saudi Arabia, Senegal and Turkey.

More than three weeks have passed since President Alija Izetbegovic signed on behalf of the Bosnian Government the agreement on interim arrangements and the provincial map, leaving the Bosnian Serbs as the only side remaining to accept the Vance-Owen peace plan.

During this period, the Bosnian Serbs revealed once again that they have no intention to sign the peace plan. On the contrary, the continued aggression, the intense shelling of Bosnian towns, the commission of outrageous massacres and the blatant violations of international humanitarian law are proof of their intentions to leave peace aside and to carry on with the abhorrent practice of "ethnic cleansing" in defiance of multitudes of calls from the Security Council and the international community.

Delaying the adoption of the draft resolution of the Security Council designed to strengthen sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro), is inconsistent with the expectations of the international community to pressure the Serbs to sign the peace plan in all its parts. In this regard, the Contact Group is requesting an urgent formal meeting of the Security Council, with an open debate, so that all non-members may voice their concern over this issue.

To further pursue this matter, the Contact Group of OIC also intends to request the convening of an emergency session of the General Assembly.

*(Signed) Tahsin BURCUOĞLU
Chargé d'affaires a.i. of the Permanent Mission
of Turkey to the United Nations*

DOCUMENT S/25609

Letter dated 16 April 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

*[Original: English]
[16 April 1993]*

The horrifying situation at Srebrenica is so well documented by the media around the world, and confirmed by the United Nations personnel on the ground, that I will refrain from repeating the details for the sake of sparing the readers of this letter the embarrassment.

The responsibility for this ongoing massacre is with many parties, and includes the parties which have denied the innocent civilian victims in Bosnia and Herzegovina of their right of self-defence, while they have not taken even remotely adequate steps to protect those civilians.

Under instructions of the Presidency of the Republic of Bosnia and Herzegovina, I demand, with all humility and sadness, and with all moral and legal right, that the Security Council take all necessary measures, as a matter of utmost urgency, to guarantee the safety of the remaining inhabitants of Srebrenica.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations*

DOCUMENT S/25612

Letter dated 15 April 1993 from the representative of Croatia to the Secretary-General

*[Original: English]
[17 April 1993]*

Upon instructions of my Government, I have the honour to reiterate the full support of the Republic of Croatia for the enforcement of Security Council resolution 816 (1993).

In accordance with paragraph 7 of the said resolution, I have the honour to inform you of the actions undertaken by the Government of the Republic of Croatia, upon requests of the Member States participating in the authorized operation.

The Embassy of the Kingdom of the Netherlands at Budapest, acting on behalf of the North Atlantic Treaty Organization (NATO), on 8 April 1993 requested the Republic of Croatia the use of its airspace for aircraft from

the respective Air Forces of the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Republic of France and the Kingdom of the Netherlands - in order to enable the implementation of resolution 816 (1993). The request was granted on 9 April 1993; consequently, the Republic of Croatia is supporting the NATO action by providing the use of its airspace.

Pursuant to paragraph 4 of resolution 816 (1993), the Government of the Republic of Croatia, in order to ease and facilitate the complete implementation of the resolution, offers the use of the airfields of Zadar and Dubrovnik and the full logistical support available (fuel, food, accommodation, facilities). In the case of emergency or *vis major*, when the security of the planes or the personnel are endangered, all assistance and all resources will immediately be made available, and all the airfields on the territory of the Republic of Croatia could be used.

In order to prevent any possible mishaps or threat to the security of the international or domestic commercial and passenger air traffic, in the Croatian airspace, it is our wish to define more precisely the above general permission.

The Croatian Government is deeply concerned at this time - owing to the presence of large numbers of military aircraft undertaking a combat surveillance and interception operation in the vicinity of the airspace of the Republic of Croatia and overflying it, owing to the particular geographical shape of Croatia and owing to the position of the civilian air-corridors (ATC routes) - that the safety of commercial passenger air-traffic could be endangered.

On several occasions "near mid-air encounters" with passenger aircraft have been reported when the NATO combat aircraft were crossing the ATC airways into Split and Dubrovnik civilian airport, causing concern among the passengers, crew members and ground air-traffic controller personnel. This has led to consideration of temporarily closing the respective airports to all traffic, until a workable technical solution can be found.

In order to facilitate communication between the NATO authorities acting under the authorization given in resolution 816 (1993), and the relevant civilian and military authorities of the Republic of Croatia, my Government invites the appointment of two military liaison Air Force officers to serve in air control centres at Zagreb and Split, respectively. At the same time, and pending the previous political decision by the participating Member States, it announces its readiness to appoint a liaison Air Force officer to serve in the tactical headquarters of the operation. It is our belief that in the described manner the necessary flow of the essential traffic information, both on the activities of the Croatian civilian and military traffic and of the overflight of NATO combat aircraft over the airspace of the Republic of Croatia - especially of the intercepting and crossing of the ATC airways and NATO combat aircraft flying paths - would be greatly facilitated and eased.

I would ask for your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

DOCUMENT S/25613

Letter dated 13 April 1993 from the representative of Austria to the Secretary-General

[Original: English]
[19 April 1993]

Pursuant to paragraph 5 of Security Council resolution 771 (1992) and paragraph 1 of Council resolution 780 (1992), I have the honour to submit to you information relating to violations of humanitarian law and human rights in the territory of the former Yugoslavia.

I should be grateful if the present letter and the information provided in the annex^{*} could be circulated as a document of the Security Council.

(Signed) Peter HOHENFELLNER
Permanent Representative of Austria
to the United Nations

DOCUMENT S/25614**

Letter dated 15 April 1993 from the representative of Croatia to the Secretary-General

[Original: English]
[16 April 1993]

On 29 June 1992, the Republic of Croatia, pursuant to the Constitutional Decision of 25 June 1991 on sovereignty and independence, informed the Government of the United States of America, in its capacity as depositary of the Treaty on the Non-Proliferation of Nuclear Weapons, that, as one of the successor States to the former Socialist Federal Republic of Yugoslavia, it accepts the Treaty and undertakes to abide by the stipulations contained therein.

Upon instructions of my Government, I have the honour to inform you that the Republic of Croatia associates itself entirely with the joint statement of the Governments of the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America as depositaries of the Treaty on the Non-Proliferation of Nuclear Weapons [S/25515]. The Republic of Croatia expresses concern at the decision of the Government of the Democratic People's Republic of Korea to withdraw from the Treaty.

^{*}The document is not reproduced in the present *Supplement*, it may be consulted in the files of the Secretariat.

^{**}Circulated under the double symbol A/48/154-S/25614.

I should be grateful if you would have this letter circulated as a document of the General Assembly and of the Security Council.

*(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations*

DOCUMENT S/25616

Letter dated 16 April 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

*[Original: English]
[16 April 1993]*

Forces directed, controlled and supported by the Federal Republic of Yugoslavia (Serbia and Montenegro) continue their assault on the Republic of Bosnia and Herzegovina and, in particular, intensify their assault on Srebrenica. This assault is an act of genocide perpetrated in violation of the Convention on the Prevention and Punishment of the Crime of Genocide.⁷

It constitutes a direct violation of the Order of the International Court of Justice that the Federal Republic of Yugoslavia (Serbia and Montenegro) "should in particular ensure that any military, paramilitary or irregular armed units which may be directed or supported by it, as well as any organizations and persons which may be subject to its control, direction or influence, do not commit any acts of genocide, of conspiracy to commit genocide, of direct and public incitement to commit genocide, or of complicity in genocide ...".

Pursuant to Article 94, paragraph 2, of the Charter of the United Nations, request is hereby made that the Security Council take immediate measures under Chapter VII of the Charter to stop the assault and to enforce the Order of the International Court of Justice.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations*

DOCUMENT S/25619

Letter dated 14 April 1993 from the representative of Yugoslavia to the President of the Security Council

*[Original: English]
[17 April 1993]*

With regard to the letter of Mr. M. Sacirbey of 5 April 1993 addressed to you [S/25529], I would like to deny in the

strongest terms the malicious allegations contained in the said letter.

Such charges, as well as those that "a convoy of armoured vehicles entered Zeleni Jadar, Republic of Bosnia and Herzegovina, from the territory of the Republic of Serbia" are shameless fabrications whose sole purpose is to step up the pressure on, and impose new sanctions against, the Federal Republic of Yugoslavia.

It is widely known that the Army of Yugoslavia left the territory of Bosnia and Herzegovina almost a year ago and that there is not a single soldier of the Army of Yugoslavia in its territory. Furthermore, the Federal Republic of Yugoslavia is in no way a party to the civil, inter-ethnic and religious war in the former Bosnia and Herzegovina.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Dragomir DJOKIĆ
Chargé d'affaires a.i. of the Permanent Mission
of Yugoslavia to the United Nations*

DOCUMENT S/25620

Report of the Secretary-General on the status of the implementation of the plan for the ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991)

*[Original: English]
[19 April 1993]*

INTRODUCTION

1. The present report is the third submitted pursuant to paragraph 8 of Security Council resolution 715 (1991), adopted on 11 October 1991, by which the Council requested the Secretary-General to submit a report to it every six months on the implementation of the Special Commission's plans for the ongoing monitoring and verification of Iraq's compliance with relevant parts of section C of Security Council resolution 687 (1991). It updates the information contained in the first two reports [S/23801, S/24661].

2. In brief, in the period under review, Iraq has continued its refusal to provide unconditional acknowledgement of its obligations under resolution 715 (1991) and the plans approved thereunder. It has further underlined its position that the only obligation it recognizes in respect of ongoing monitoring and verification is that contained in paragraph 10 of resolution 687 (1991) and that it does not accept the modalities and arrangements for such monitoring and verification as laid down in the plans approved by the Council in resolution 715 (1991). In these circumstances, no progress has been made in carrying out the ongoing monitoring and verification approved by the Council in resolution 715 (1991).

1. DEVELOPMENTS DURING THE PERIOD 11 OCTOBER 1992-10 APRIL 1993

A. Provision of information

3. Under the Special Commission's ongoing monitoring and verification plan [S/22871/Rev.1], Iraq is obliged to provide certain declarations. The first were due by 10 November 1991, concerning (a) initial information on the dual-purpose activities, facilities and items specified in the plan and its annexes; and (b) a report on the legislative and administrative measures taken to implement Security Council resolutions 687 (1991) and 707 (1991), other relevant resolutions of the Council and the plan. Iraq is further obliged to update the information on (a) each 15 January and 15 July, and to report further on (b) when requested to do so by the Commission.

4. As was noted in the last report [S/24661], no declarations were received from Iraq until 27 June 1992, i.e., Iraq missed the first two reporting requirements. The product received on 27 June was called by Iraq "Report on future compliance and monitoring". However, a group of international experts convened by the Commission to assess this report deemed it, while providing a basis on which to build, to be inadequate for the purpose of commencing ongoing monitoring and verification activities. Furthermore, the report contained no declaration on the legislative and administrative measures taken by Iraq to give effect to its obligations.

5. On 14 February 1993, Iraq provided a second set of declarations entitled "Updated monitoring information. Report No. 2". These add little to the first set.

6. A further difficulty relates to the inadequacy of a different set of declarations Iraq is obliged to provide - the full, final and complete disclosure of all aspects of its weapons programmes proscribed under section C of Security Council resolution 687 (1991), as required under Council resolution 707 (1991). In particular, complete information on Iraq's past production, suppliers and use of prohibited items and its past capacity to produce such items is necessary in order to plan effective inspection and import control regimes as required under the future ongoing monitoring and verification plans and Council resolution 715 (1991). The mechanism foreseen in paragraph 7 of that resolution can only be realistically designed when this information is available to the Sanctions Committee, the Special Commission and the International Atomic Energy Agency (IAEA).

B. Operational developments

7. Owing to Iraq's continued refusal to provide unconditional acknowledgement of its obligations under resolution 715 (1991) and the plans for ongoing monitoring and verification approved thereunder, the Special Commission continues to be unable to begin implementation of the plan covering its areas of competence [S/22871/Rev.1]. However, the Commission has identified certain facilities and activities in Iraq which clearly need to be monitored in the interim because they could already be

put to prohibited use. Consequently, the Commission has instituted a new type of inspection activity, termed "interim monitoring". The introduction of this activity in no way diminishes the requirement to institute full-scale monitoring as envisaged in the plans and hence does not diminish the importance of Iraq acknowledging unconditionally its obligations under them.

8. The first interim monitoring team was established on 26 January 1993, based at the Ibn Al-Haytham missile research centre to the north of Baghdad. Iraq has declared this centre to be its principal facility for research into and development of missiles with a range of less than 150 kilometres, that is, those not banned under the terms of resolution 687 (1991). The centre employs a significant number of scientists previously employed in Iraq's now proscribed ballistic missile programmes. While its work centred around the Ibn Al-Haytham facility, the team also visited other sites. It completed its work on 23 March 1993.

9. Based on the experience of the team at Ibn Al-Haytham, which in part highlighted the significant amount of ongoing activity in Iraq on solid propellant missile systems, the Commission decided it would be useful to continue this inspection effort. A second team was established on 27 March 1993. While it will continue the task of monitoring the Ibn Al-Haytham centre, other facilities in Iraq conducting work on solid propulsion and related technologies will also be monitored.

C. Political developments

10. On the substance of the plans for ongoing monitoring and verification, Iraq's position remains unchanged. By a letter dated 28 October 1992 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General [S/24726], Iraq reiterated its opposition to resolutions 707 (1991) and 715 (1991) by stating that:

"It is ... essential for the Council to conduct a radical review, on the basis of justice and fairness, of the terms and provisions of these two resolutions."

11. In his statements to the Council on 23 and 24 November 1992 [3139th meeting], the Deputy Prime Minister of Iraq, Mr. Tariq Aziz, said:

"[T]here is a need for all those measures and the provisions of the no longer necessary Security Council's resolutions to be drastically reviewed."

12. On 31 January 1993, the Iraqi Government officially informed the Executive Chairman of the Special Commission in writing that Iraq considered the new arrangement of interim monitoring at the Ibn Al-Haytham facility to be conducted under resolution 687 (1991). The Commission understood this to mean that Iraq would prevent this team, or any other team, from operating under the terms of the plan approved under resolution 715 (1991).

13. As recently as 29 March 1993, during discussions on the modalities for the second interim monitoring team,

Commission personnel detected no change on the part of Iraq on the fundamental issues of acknowledgement of resolution 715 (1991) and on the provision of data on suppliers. This was borne out on 1 April 1993, when General Amer met the team. Reading from prepared notes and stressing that this was the official Iraqi position on the issue of monitoring, General Amer is reported by the United Nations Chief Inspector to have said:

"Iraq accepted the first monitoring team to the Ibn al-Haytham centre in accordance with resolution 687 (1991). However, it appears from the modalities of the monitoring team that the Special Commission is trying to overlap in a discreet fashion Iraqi obligations under resolution 687 (1991) and resolution 715 (1991). This is very clever. Iraq knows that, using Iraqi cooperation under resolution 687 (1991), the Special Commission wants to assert Iraqi obligations under resolution 715 (1991). Iraq is fully aware of this effort. If the objective of the Special Commission is to make sure that no prohibited activities are going on, prohibited items are destroyed and Iraq has no capability to reactivate proscribed programmes, Iraq has no objections as this is part of resolution 687 (1991). However, if the objective is to start a de facto implementation of resolution 715 (1991) without Special Commission testament to the Security Council that Iraq is in full compliance with resolution 687 (1991) and without implementing paragraph 22 of that resolution, Iraq will not welcome this mission. The monitoring missions would not be welcome. But even in this case, Iraq will still cooperate with the Special Commission to see the true objectives of these missions and to explore the intentions of the Special Commission. Iraq told the Special Commission that resolution 715 (1991) could only be discussed in connection with the implementation of paragraph 22 of resolution 687 (1991). You should never think or believe that it could be done otherwise."

14. Iraq's position is maintained despite assurances by the Commission that, if Iraq cooperated, its legitimate concerns would be met and the Commission's activities would be carried out in a manner which is not unduly intrusive.

D. Iraqi conduct

15. In addition to these statements of position, Iraq has, through its conduct over recent months, consistently demonstrated its desire to limit the Commission's inspection rights and operational capabilities through seeking to place restrictions on inspectors in the course of their work. While many of these Iraqi actions have taken place during the course of inspections under resolution 687 (1991), the Commission has no doubt that they form part of a long-term campaign to establish a practice for the conduct of inspections which would severely restrict the rights provided in the plans and relevant Security Council resolutions. Iraq is thus clearly seeking to assert for itself the right to interpret how the resolutions should be implemented.

16. Included in this campaign have been attempts by Iraq: to restrict the scope of inspections and information gathering; to restrict access and impose delays on inspections; to restrict the exercise of the Commission's aerial rights; to impose limits on the duration, size and composition of inspections; to require advance notice of inspection activities; and to limit the right to take photography. Further details on these incidents can be found in the annex to the present report. Each incident has varied in seriousness. Some might not be significant were they not part of a general trend. However, when taken together, these incidents add up to a major impediment which would effectively impede credible long-term monitoring and verification. This again underlines the need to obtain from Iraq as soon as possible its formal acknowledgement of its obligations under resolution 715 (1991), so that the Council's requirements laid down in that resolution can be met.

II. CONCLUSIONS

17. The conditions for the initiation in full of the Special Commission's plan for ongoing monitoring and verification have still not been met. There has again been no movement in Iraq's underlying negative position on the plan and resolution 715 (1991). The Commission's assessment remains that Iraq is seeking to ensure that implementation of the plan proceeds on the basis of its interpretation of its obligations, rather than on the basis of Security Council resolutions and the plan adopted by the Council.

18. Iraq's spurious complaints and allegations about the motives and activities of the Commission, some of which are recorded in the annex, demonstrate Iraq's unwillingness both to comply with its obligations and to facilitate the task of the Commission. Iraq's reluctance to provide willingly the information required by the Commission in order for it to fulfil its mandate means that the Commission has to be more extensive and intrusive in its efforts to obtain that information. This reluctance and Iraq's attempts to limit the Commission's endeavours raise doubts about Iraq's intent. This, in turn, raises the degree of certainty that the Commission requires about Iraq's capabilities and about the use to which it puts its dual-capable facilities before the Commission can report with confidence that Iraq is in substantial compliance with its obligations arising from the relevant resolutions of the Security Council.

19. In the meantime, the Commission continues to revisit or survey from the air sites identified as having been used for activities proscribed by section C of resolution 687 (1991) in order to ensure that those activities have not been resumed. The Commission has already identified many additional sites which will require future monitoring. It continues to seek to supplement the information provided by Iraq through vigorous questioning and inspection, so that the initiation of full-scale monitoring will not be unduly delayed once Iraq makes the necessary political commitment to full compliance. A key element of this process has been the recent initiation of the interim monitoring concept.

20. Nevertheless, the Commission remains constrained from going beyond preparatory and interim work into full-scale monitoring and verification. Iraq's stance on the fundamental issues, its conduct referred to above and its failure to acknowledge its obligations under resolution 715 (1991) only underscore this conclusion. Unless Iraq changes its position, the Commission will not be in a position to ensure that Iraq does not reactivate its proscribed programmes.

ANNEX

Compendium of incidents

Restrictions on the scope of inspections

1. Paragraphs 13 to 15 of the present report note the Iraqi reaction to the initiation of interim monitoring. During the course of activity of the first interim monitoring team, several other discussions occurred that indicated a misconception, deliberate or otherwise, on the part of Iraq. The Iraqi counterparts questioned the right of the team to make an inventory of or to tag certain items of equipment at the sites monitored, requesting that specific criteria be established and be used to decide which items might be so treated. The team did not accept this position. Iraq indicated that certain items were of no concern to the Special Commission, when clearly the decision as to what is of concern to it lies with the Commission. Furthermore, some of the items involved have the potential to be used for proscribed purposes. The counterparts also complained about the purpose of the team, stating that it was to control, not monitor, Iraq's activities.

Denial of or restrictions on access and delays to inspection

2. On four occasions, Iraq has sought to deny the Commission's basic aerial rights - once in relation to entry of transport aircraft into and out of Iraq [see S/25172, annex], and thrice in relation to overflight of sites for aerial surveillance by helicopter. Except for the flight over the two sites on the outskirts of Baghdad (reported in document S/24985, annex), the Commission was eventually able to conduct the flights. However, as already reported to the Council, one of these flights had to be conducted with a restricted flight pattern, and not before Iraq had threatened to shoot the helicopter down if it did not leave the vicinity of the site.

3. Iraq has also hindered access for inspection teams, sometimes seeking, on spurious grounds, completely to deny access. One team was initially denied access because inspection would "breach the sanctity of universities and would upset the students". In each instance, the inspection eventually took place. In the period under review, a total of eight Commission inspection activities were seriously delayed, in one case by over four hours. One of them, the aerial surveillance on the outskirts of Baghdad, has been blocked.

Restrictions on aerial rights

4. Paragraphs 11 (f) and (h) of the six-monthly report of 17 December 1992 [S/24984, annex] described at length the problems faced until that date by the Special Commission. Problems have continued since. In addition to the incidents referred to in paragraph 2 of the present annex, Iraq has created further difficulties in relation to the Commission's aerial rights.

5. In his letter of 5 August 1992, Mr. Al-Zahawi, Adviser in the Iraqi Ministry of Foreign Affairs, informed the Executive Chairman

of the Special Commission that his request to use the Al-Rasheed airfield as the point of entry and departure for inspection teams was unworkable, as the airfield was unserviceable. The Deputy Executive Chairman replied the next day, expressing the desire to so use Al-Rasheed airfield as soon as it became operational. Recently, Sudanese Airways Boeing 707 aircraft have been observed using the airfield. However, enquiries by Commission personnel about the possibility of using it as the point of entry and exit have met with the response that such a decision would be political. No progress has been made on this issue.

6. Iraq has created problems in the operation of the Aerial Inspection Team. It has sought: to establish "no go" areas over which the team may not fly and which may not be included in the boxes designated the night before aerial inspections; to prevent the team from taking photographs and using binoculars while flying between designated sites and even over the designated site; and to demand 10 minutes' notice before an aerial inspection starts.

7. Each time the Commission's high-altitude U-2 surveillance aircraft flies, Iraq lodges a formal complaint about its activities. Iraq persists in calling the aircraft a United States spy plane and has recently described it as being used for "despicable criminal purposes", despite its United Nations registration and mandate. On 10 March 1993, the Minister for Foreign Affairs of Iraq, Mr. Al-Sahaf, addressed a letter to the Secretary-General [S/25387], in which he alleged that the aircraft had been used to assist in the planning of an Israeli operation to assassinate President Saddam Hussein.

Limits on the duration, size and composition of inspections

8. Iraq has sought to limit the duration of both monitoring and aerial surveillance activities, indicating, in relation to the former, that they should be of finite duration and, in relation to the latter, that aerial inspections should not last longer than 15 minutes.

9. Iraq has also sought to limit the size of inspection teams at certain sites it deems sensitive, such as universities, and to interfere in the composition of the team by, for example, seeking to exclude the Commission's own interpreters from a team. It has also sought to establish that those involved in the chemical destruction Group at Al Muthanna are not permitted to take part in other inspection activities and to limit the turnover of Commission personnel in the helicopter support staff.

10. It is clear from the Status Agreement of May 1991 that the Commission has the right to decide the expertise it needs to conduct inspections and hence the right to choose the number and the types of experts it needs on each team and to inspect each site. Iraq is obliged to allow personnel named by the Commission access to conduct their tasks.

Advance notice of inspection activities

11. For aerial surveillance activities, Iraq has sought to establish that it should receive advance notice of the site to be surveyed. No-notice inspections are essential to the effectiveness of the Commission.

Provision of data

12. As noted in section A of the present report, Iraq has failed to provide adequate declarations either of its past proscribed programmes or of its dual-capable facilities which would need to be incorporated into the plans for ongoing monitoring and verification. The Commission has sought to supplement those declarations during

each of its inspections. However, Iraq refuses to offer information willingly, or at all, in certain key areas, e.g., on its supplier networks or its previous use of chemical weapons. Consternation has also been expressed by Iraqi counterparts that the Commission continues to ask questions about Iraq's past programmes, despite the fact that these questions were asked because of Iraq's failure to fulfil its obligation to make full, final and complete disclosures on all aspects of its past programmes (see para. 6 of the present report).

13. Furthermore, Iraq has been unable or unwilling to produce specific items of equipment that the Commission has evidence were supplied to Iraq. Teams continue to find equipment and documents containing information pertinent to their mandate under the resolutions and ongoing monitoring and verification plan.

Photography

14. Iraq has sought to limit the Commission's unrestricted right to photograph any item or activity it deems of relevance to its task. Iraq has delayed photography until "permission" has been obtained from more senior officials; it has sought to prevent photography over a designated site; and it has sought to limit aerial photography to items within a set perimeter and inspection team photography to items Iraq deems to be related to resolution 687 (1991). If this last rule were applied, it would open the possibility of Iraq deciding what was "687-related" and could be used by Iraq to exclude all dual-purpose facilities, items and activities covered by the plans approved under resolution 715 (1991).

Security

15. The issue of security was dealt with at length in document S/24984, appendix II. Since that report and in addition to the threats to the Commission's aircraft referred to above, there have been continued incidents of vandalism of Commission vehicles, including the smashing of windscreens, windows and mirrors and the breaking of aerials. Four of these incidents occurred while the vehicles were being driven by Commission personnel. In one incident, the drivers were medics and the vehicle bore Red Crescent markings.

16. Items continue to be taken from the offices and personal quarters of the Commission. Staff continue sporadically to receive threatening and harassing telephone calls in their hotel rooms in the middle of the night.

DOCUMENT S/25624

Letter dated 17 April 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

*[Original: English]
[19 April 1993]*

Acting under paragraph 5 of Security Council resolution 771 (1992) of 13 August 1992 and paragraph 1 of Council resolution 780 (1992) of 6 October 1992, where the Council calls upon States to collate substantiated information in their possession or submitted to them relating to the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia and make this information available to the Council, I have the honour to submit to you the attached

letter* from Mr. Sulejman Suljic, Under-Secretary, Ministry of Foreign Affairs, Bosnia and Herzegovina, and a transcript* of a telephone conversation between General Mladic, Commander of the Serb and Montenegrin aggressor forces in Bosnia and Herzegovina, and his subordinates, Colonel Balac and Captain Kraljevic.

May I ask for your kind assistance in having this letter and its attachments* available to the Commission of Experts established pursuant to resolution 780 (1992), and having them circulated as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations*

DOCUMENT S/25625

Letter dated 19 April 1993 from the representative of Azerbaijan to the President of the Security Council

*[Original: Russian]
[19 April 1993]*

I have the honour to inform you that, following the statement by the President of the Security Council of 6 April 1993 [S/25539] on "the deterioration of relations between the Republic of Armenia and the Republic of Azerbaijan", according to which the Security Council demanded "the immediate cessation of all such hostilities, which endanger peace and security in the region, and the withdrawal of these forces [Armenian forces]", the Republic of Armenia is blatantly ignoring this statement. The Armenian armed forces are continuing their large-scale aggression in the territory of the Azerbaijani Republic.

According to information from the Ministry of Defence of Azerbaijan, the attacks by the Armenian National Army on various districts of Azerbaijan began immediately after Armenia's occupation of the town of Kelbadjar.

The Armenian air force is subjecting settlements in the Agdam and Fizuli districts of Azerbaijan to continuous bombing.

The raids by Armenian air force SU-25 low-flying aircraft and the massive artillery shelling of the town of Fizuli led to the complete destruction of a number of residential buildings. Some 200 missiles and rockets fell on the town. Casualties were avoided because much of the population of 20,000 had been evacuated.

Advance units of Armenian armed formations are currently situated within two to three kilometres of the town. The capture of the town of Fizuli, as we pointed out in our letter of 12 April 1993 to the President of the Security Council [S/25582], poses a threat to four districts in

* The document is not reproduced in the present Supplement, it may be consulted in the files of the Secretariat.

south-western Azerbaijan having a population of over 200,000 people.

Meanwhile, sub-units of regular units of the Armenian armed forces, supported by armoured vehicles, have made an incursion across the northern sector of the Armenian-Azerbaijani border into the Geranboy district of Azerbaijan, coming close to the village of Gyulistan in that district.

The Ministry of Defence of Azerbaijan also reports of attacks by Armenian sub-units from the territory of the Idzhevan district of Armenia on border villages in the Akstafa district of Azerbaijan.

As a result of the ongoing invasion of Azerbaijani territory by the Armenian armed forces, hundreds of peaceful citizens are being killed, thousands of people are being left homeless and new refugees have appeared.

Armenia's territorial ambitions and its persistent desire to expand its own lands at Azerbaijan's expense pose a major threat to peace and security throughout the Transcaucasian region.

We call upon the Security Council to take all necessary measures to restrain the overzealous aggressor and condemn Armenia's aggression against Azerbaijan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

DOCUMENT S/25627*

**Letter dated 18 April 1993 from the representative of
Yugoslavia to the Secretary-General**

*[Original: English]
[19 April 1993]*

I have the honour to transmit herewith the statement by the Government of the Federal Republic of Yugoslavia dated 18 April 1993 regarding Security Council resolutions 819 (1993) and 820 (1993), which were recently adopted.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

*(Signed) Dragomir DJOKIC
Chargé d'affaires a.i. of the Permanent Mission
of Yugoslavia to the United Nations*

TEXT OF THE STATEMENT

At its session today, the Government of the Federal Republic of Yugoslavia considered the latest activities in the wake of the adoption of Security Council resolutions concerning Srebrenica and the tightening of sanctions against the Federal Republic of Yugoslavia.

The Government of the Federal Republic of Yugoslavia notes with regret that the Security Council, bowing to the pressure of some of its members and under the influence of one-sided information, decided to step up the pressure on the Federal Republic of Yugoslavia. In doing so, it has disregarded the reports of UNPROFOR [*United Nations Protection Force*] and of the Secretary-General and ignored the information provided by the Serbs from Bosnia. In that way, an inaccurate picture of the situation in Bosnia and Herzegovina is being projected and consequently one-sided resolutions are adopted at an accelerated pace.

The resolution continues arbitrarily to condemn the Federal Republic of Yugoslavia for its alleged involvement in the crisis in the former Bosnia and Herzegovina, although it is evident, from the official reports of the Secretary-General and the reports of the UNPROFOR commanders, that for almost a year there is no soldier of the Army of Yugoslavia in the territory of Bosnia and Herzegovina. The Federal Republic of Yugoslavia provides humanitarian not military assistance to the Serbs in Bosnia. On the other hand, the Republic of Croatia has been defying the United Nations for a year now, with impunity, by its failure to comply with the demands contained in Security Council resolution 752 (1992) to withdraw its regular armed forces.

An inter-ethnic and civil war is being waged in Bosnia and Herzegovina and that fact has been acknowledged by the international community through the structure of participants in the Geneva Conference on Bosnia and Herzegovina. Therefore, this war cannot be ended by finger-pointing at the Federal Republic of Yugoslavia and by a hypocritical policy of tightening the sanctions against it.

Ever since the political solution to the crisis in Bosnia and Herzegovina was first sought and this year in particular, the Federal Republic of Yugoslavia has invested and is still investing constructive efforts aimed at an immediate and unconditional cessation of military operations and at establishing a just and lasting peace. Such a constructive contribution on the part of the Federal Republic of Yugoslavia was highly appreciated by many factors involved in the resolution of crisis in Bosnia and Herzegovina. Unfortunately, the Security Council, in this and other previous resolutions, has totally ignored the positive position the Federal Republic of Yugoslavia by persistently treating it as a party to the conflict that should be punished. Should the Security Council continue to treat Yugoslavia in this way and as a result subject it to more punishment, the question arises whether the further involvement of the Federal Republic of Yugoslavia in overcoming the crisis in Bosnia and Herzegovina can have any meaning.

*Circulated under the double symbol A/48/155-S/25627.

The Government of The Federal Republic of Yugoslavia particularly wishes to stress that the imposition of sanctions represents a gross violation of the fundamental human rights guaranteed by the Charter of the United Nations to all men and women and all nations. International law does not recognize collective punishment of one nation - of innocent people and children - for political purposes.

An ultimatum deadline given to the Serbs in Bosnia to accept and sign the Vance-Owen peace plan in its entirety runs contrary to the conclusions of the Geneva negotiations and the adopted principles that the agreement would be sought on the basis of consensus of all three constituent peoples and that no solution will be imposed.

The question is now posed - what is the motive behind ignoring the adopted principles - seeking an end to the war in Bosnia and Herzegovina or an alibi for the perpetuation and stepping up of pressure against the Federal Republic of Yugoslavia with a view to achieving other ends.

The Government of the Federal Republic of Yugoslavia remains fully committed to the policy of peace and overcoming the crisis in Bosnia and Herzegovina by political means, on the basis of equal respect of legitimate rights of all three constituent peoples. In that regard, the Federal Republic of Yugoslavia will continue closely to cooperate with the United Nations and its representatives. However, the Federal Republic of Yugoslavia will firmly defend its sovereignty and territorial integrity if forced to do so.

DOCUMENT S/25628*

Letter dated 19 April 1993 from the representative of Turkey to the Secretary-General

*[Original: English]
[19 April 1993]*

I have the honour to transmit herewith the letter addressed to you by Mr. Mustafa Kemal Gökeri, Chargé d'affaires a.i., of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly and of the Security Council.

*(Signed) Tahsin BURCUOĞLU
Chargé d'affaires a.i. of the Permanent Mission
of Turkey to the United Nations*

ANNEX

Letter dated 16 April 1993 from Mr. Mustafa Kemal Gökeri to the Secretary-General

On instructions from my Government, I have the honour to respond to the letter dated 12 April 1993 addressed to you by Mr.

A. J. Jacovides, the Greek Cypriot representative, which was circulated as document S/25579 of the same date. This letter is replete with distortions and is a gross misrepresentation of facts pertaining to the recent incidents which occurred at our borders.

In his letter, Mr. Jacovides claims that it was the Turkish forces who were responsible for the shooting incident that took place in the evening of 8 April 1993, whereas this is not so. As is also well known to the United Nations Peace-keeping Force in Cyprus (UNFICYP), the area in question is under the responsibility of the Turkish Cypriot Security Forces.

Regarding the development of this unfortunate incident itself, the facts are as follows:

At 1835 hours local time that evening, two Greek Cypriot National Guard soldiers came out of an empty house in the United Nations-controlled buffer zone and started advancing towards the Turkish Cypriot positions in the "Caglayan" area, in clear violation of the buffer zone. They were spotted by a Turkish Cypriot soldier on guard duty at the sentry post nearby, which, contrary to what Mr. Jacovides claims, is permanently manned.

The Turkish Cypriot soldier on guard duty warned the Greek Cypriot intruders, first by shouting at them in English to stop and then by firing a warning shot into the air. In spite of these warnings, however, the Greek Cypriot soldiers kept advancing towards the Turkish Cypriot positions and actually reached our defence lines. When the shooting incident occurred, the Greek Cypriot soldier was within 5 metres of the Turkish Cypriot guard and clearly constituted a threat to him. The other Greek Cypriot soldier subsequently fled the area, and the body of the shot soldier was removed by UNFICYP authorities, who had come to the area soon afterwards, and was turned over to the Greek Cypriot authorities.

In this context, I would also like to bring to your kind attention an article published in the Greek Cypriot daily *Cyprus Mail* of 13 April 1993, under the heading "Retaliation not always justified", in which it is stated that "the guardsman was disobeying army orders by wandering into the buffer zone ...".

The Greek Cypriot side immediately started exploiting the incident and engaged in provocative activities. The next day, a large demonstration was held in the Greek Cypriot sector of Nicosia. A group of demonstrators later entered the buffer zone and blocked all traffic between the two sides at the Ledra Palace border gate.

On Sunday, 11 April 1993, Greek Cypriot National Guard soldiers again violated the buffer zone in the Famagusta area, by penetrating 200 to 300 metres into it, and opened fire at the Turkish Cypriot positions causing extensive damage. This was clearly a deliberate and organized attack and it is interesting that no mention of it is made in Mr. Jacovides' letter.

I would like to emphasize that those provocative actions of the Greek Cypriot side further aggravate the existing lack of trust and confidence between the two sides, which is also mentioned in your latest report on your mission of good offices in Cyprus. We urge the Greek Cypriot side to exercise restraint and common sense and to avoid actions which adversely affect inter-communal peace and tranquillity.

I should be grateful if this letter would be circulated as a document of the General Assembly and of the Security Council.

*(Signed) Mustafa Kemal GÖKERİ
Chargé d'affaires a.i. of the Turkish Republic of Northern Cyprus*

* Circulated under the double symbol A/47/928-S/25628.

**Letter dated 17 April 1993 from the representative of
Bosnia and Herzegovina to the President of the
Security Council**

*[Original: English]
[19 April 1993]*

I have been asked to forward to the Security Council the following letter dated 17 April 1993 from the Acting Prime Minister of the Republic of Bosnia and Herzegovina.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations*

**LETTER DATED 17 APRIL 1993 FROM THE ACTING
PRIME MINISTER OF BOSNIA AND HERZEGOVINA
TO THE PRESIDENT OF THE SECURITY COUNCIL**

Right now, while I am writing this letter, a horrible human drama is taking place in the Bosnian town of Srebrenica. Regardless of all the appeals sent to the international community and despite the fact that the Security Council adopted last night resolution 819 (1993) according to which the region of Srebrenica has been proclaimed the protected zone under the international control, the Serbian fascist phalanges under the command of General Mladić are destroying the town with all the artillery available while men-to-men infantry fightings are taking place at the very accesses to the town. Scores of dead and wounded civilians are lying scattered on the streets with no chance to receive even elementary help. Dramatic appeals from Srebrenica succeed one another. We have the undoubted evidence that General Mladić personally ordered the massacre of the civilian population that occurs at the same time that this very General participates in the "peace talks", mediated by UNPROFOR, with the representatives of the Army of the Republic of Bosnia and Herzegovina at the Sarajevo Airport. It is a matter of hours now, it would soon be too late for the international community to undertake any action. If orders issued by General Mladić are carried out then, I am afraid, the peace talks on Bosnia and Herzegovina, the Vance-Owen plan included, would become absolutely pointless.

I should like to ask you to use the authority that you undoubtedly have and to do whatever is in the capacity of a human being to stop this crime against innocent civilians. I would like to stress once again that it is not a matter of hours but minutes that could mean death and horrifying atrocities for several thousand men, women, children and elderly people who have no means whatsoever to defend their lives.

*(Signed) H. EFENDIĆ
Acting Prime Minister*

**Letter dated 19 April 1993 from the representative of
Ukraine to the President of the Security Council**

*[Original: English]
[19 April 1993]*

I have the honour to transmit herewith, in accordance with Article 50 of the Charter of the United Nations, the text of the letter of the Minister for Foreign Affairs of Ukraine dated 17 April 1993 addressed to you in connection with the special economic problems arising from the carrying out by Ukraine of the Security Council sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

I kindly request you to have the text of the two letters circulated as a document of the Security Council.

*(Signed) Victor H. BATIOUK
Permanent Representative of Ukraine
to the United Nations*

**LETTER DATED 17 APRIL 1993 FROM THE
MINISTER FOR FOREIGN AFFAIRS OF UKRAINE TO
THE PRESIDENT OF THE SECURITY COUNCIL**

I avail myself of this opportunity to congratulate you sincerely on the occasion of your being elected to the high post of President of the Security Council and to express confidence that your broad international experience and high authority will provide new positive impetus to further enhancement of the constructive role played by the Council in the primary activity of the United Nations in safeguarding sound foundations of reliable peace and stability, development of friendly relations between all the States, promotion of universal process of mutual understanding among peoples of the world.

Being an original State Member of the United Nations, Ukraine has always offered substantial support to the mediatory and peace-keeping efforts of the United Nations aimed at settling dangerous conflicts in various regions of the planet.

This is confirmed by our country's active participation in the difficult process of peaceful settlement of the crisis in the former Yugoslavia, which has grave destabilizing consequences for all the countries of Europe. As it was noted in the letter of the President of Ukraine, Mr. Leonid Kravchuk, to the Secretary-General of 22 March 1993, "Ukraine considers the United Nations sanctions to be an integral part of the international efforts towards peaceful settlement of the crisis in the former Yugoslavia and confirms its resolve to strictly observe them".

During my recent visit to New York, I had substantial conversations at Headquarters with Mr. Boutros Boutros-Ghali, the Secretary-General, Ambassador T. O'Brien, your predecessor in the post of President of the

Security Council, and Ambassador R. Sardenberg, the Chairman of the Security Council Committee on Sanctions against Yugoslavia, on that matter. As it might be known, particular issues concerning the possibility of reimbursement of Ukraine's heavy losses arising from its strict imposition of the United Nations sanctions regime against the Federal Republic of Yugoslavia, were discussed, *inter alia*, at these meetings.

Allow me, Mr. President, kindly to draw your attention to the fact that considering the present grave situation of the Ukrainian economy caused by well-known negative processes of the transitional period, the issue of reimbursement to Ukraine of the losses arising from enforcement of the United Nations sanctions against the former Federal Republic of Yugoslavia closely borders by now on the problem of protection of our economic sovereignty. It could also be added that in case of a possible further broadening of the United Nations sanctions regime against Yugoslavia, which has been recently insisted upon by some countries, the international trade lane by the Danube, vitally crucial for further build-up of Ukraine's state independence, will be practically blocked.

All this makes us file an urgent request with you to raise as soon as possible for the consideration of the Security Council the issue concerning practical ways of implementation of Article 50 of the Charter in order to use most promptly the international mechanism of compensation of losses to the States monitoring the implementation of sanctions, including Ukraine. At the same time, we deem it expedient that a simpler procedure of obtaining authorization letters for transshipment by the Danube be considered and that compulsory coordination with the Danube States of any issue concerning expansion of the list of articles, which need permission from the Security Council Committee on Sanctions for transit, be introduced.

The factor of considerable economic losses suffered by Ukraine because of its observance of the sanctions should, to our mind, be taken into account by other States Members of the United Nations in their relations with Ukraine, as well as by the United Nations in assessing Ukraine's contribution to the United Nations regular budget as well as for financing the United Nations peace-keeping forces.

We suppose that the system of sanctions itself should be more logical and streamlined, while economic losses arising from its enforcement should be equally distributed among the most developed Member States.

I hope, Mr. President, that Ukraine will receive your understanding and support in these important issues.

(Signed) A. ZLENKO
Minister for Foreign Affairs of Ukraine

DOCUMENT S/25631

Letter dated 19 April 1993 from the representative of Croatia to the President of the Security Council

[Original: English]
[19 April 1993]

I am writing this letter to, once again, notify the Security Council of the continuing acts of aggression which are being conducted against the Republic of Croatia by Serbian insurgents within Croatia and by Serbian paramilitary units based on the territory of the Republic of Bosnia and Herzegovina.

I am compelled to write this letter due to the recent rocket attack on the centre of the ancient Croatian city of Sibenik in which multiple rocket launchers of the Oganj type were used. The attack occurred at 1435 hours on 19 April 1993 and resulted in the deaths of two civilians as well as the wounding of 11 other civilians, 4 of whom are severely wounded, with 2 of them in critical condition.

In addition to this letter I am enclosing an annex* which contains a chronological list of acts of aggression by Serbian rebel forces that have occurred in the recent past.

I request your kind assistance in distributing the present letter and the annex* as a document of the Security Council.

(Signed) Vladimir DROBNJAK
Chargé d'affaires a.i. of the Permanent Mission
of Croatia to the United Nations

DOCUMENT S/25632

Letter dated 19 April 1993 from the representative of the Islamic Republic of Iran to the Secretary-General

[Original: English]
[19 April 1993]

Upon instructions from my Government, I have the honour to enclose herewith the text of a letter from Mr. Ali Akbar Velayati, Minister for Foreign Affairs of the Islamic Republic of Iran, addressed to you concerning the tragic situation in the Republic of Bosnia and Herzegovina.

I should appreciate it if you would have the two letters circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Permanent Representative of the Islamic Republic
of Iran to the United Nations

*The document is not reproduced in the present Supplement, it may be consulted in the files of the Secretariat.

LETTER FROM THE MINISTER FOR FOREIGN
AFFAIRS OF THE ISLAMIC REPUBLIC OF IRAN TO
THE SECRETARY-GENERAL

The sad news coming from eastern Bosnia and Herzegovina shock any freedom-loving person, and raise a question in mind as to when the bloodshed and genocide of Muslims by Serbian forces is going to end? During a year and so which have passed since the Serbian aggression against Bosnia and Herzegovina and the genocide of non-Serb population there and in other parts of former Yugoslavia, various resolutions have been passed by the Security Council. Unfortunately, despite these resolutions, the war has fiercely continued, leaving no clear indication as to the termination of Serbian crimes, and the establishment of a just peace in near future. There is no doubt that the main reason behind the Serbian disregard for the resolutions of the Security Council is the lack of strong resolutions as well as insufficient guarantee to implement them.

Security Council resolutions 819 (1993) and 820 (1993) have been passed at a time when Serbs, regardless of previous United Nations resolutions, continue to slaughter people around the besieged city of Srebrenica in order to strengthen their positions. Although these resolutions contain positive elements, they still lack sufficient guarantee to be implemented. It is to be feared that the Serbs will pave the way for further aggression and expansionism by killing Muslim people in that city and elsewhere. With access to all kinds of weapons during the preceding year, the Serbs have continued the carnage of people, attacked the houses and shelters of civilians and completed their savagery by raping women and girls.

The public opinion of Muslims throughout the world is deeply concerned with the ongoing events in Bosnia and Herzegovina, and stands to evaluate the reactions of international organizations, particularly those of the United Nations. The establishment of no-fly zone over Bosnia and Herzegovina has certainly been a worthwhile move, but it is clear that most of the carnage has been done by weapons that are utilized in land battles. Therefore, to stop this carnage, it is necessary to prevent Serbian land movements which have not been included in any of the resolutions passed by the Security Council.

The arms embargo against the legitimate Government of Bosnia and Herzegovina has practically deprived the Muslims of their inherent right of self-defence. Furthermore, the impossibility of rapid dispatch of humanitarian assistance has aggravated the condition. These two factors have greatly undermined the capacity of the people of Bosnia and Herzegovina to resist aggression. Aware of this fact, the Serbs have further increased the intensity of their attacks.

Now that the siege of the oppressed people in Bosnia and Herzegovina has been tightened from all sides, it is expected that the United Nations, in a historic and decisive measure, will lift the arms embargo against Bosnia and Herzegovina, and establish safe air and land corridors for unhindered delivery of humanitarian assistance in order to alleviate, to

some extent, the prolonged agony of the defenceless people of Bosnia and Herzegovina. Under such circumstances, at least a balance is struck between the two parties involved and the people are allowed to exercise their legitimate right of self-defence.

It is acknowledged that establishing a durable and just peace in the region is subject to attending to the legitimate demands of the oppressed people of this unequal war, and that imposing the desires of the aggressor upon the weakened party will lead to a new crisis making the situation even more complicated.

The Islamic Republic of Iran is prepared to continue to exchange views with you in order to give effects to its role in putting an end to Serbian aggression against the people of Bosnia and Herzegovina and to achieve peace.

(Signed) Ali Akbar VELAYATI
Minister for Foreign Affairs
Tehran

DOCUMENT S/25634

Letter dated 19 April 1993 from the representative of
Azerbaijan to the President of the Security Council

[Original: Russian]
[20 April 1993]

I have the honour to inform you that Armenia's current foreign policy activities, which are designed to conceal from the international community that country's direct involvement in the acts of aggression and occupation of territories of Azerbaijan, compel me to recall the following facts.

1. The aggression perpetuated by Armenia against Azerbaijan with a view to acquiring new territories is nothing more or less than the implementation, by military means, of an act passed by that country's supreme legislative authority - a resolution of the Supreme Council of Armenia, adopted as long ago as 1989.
2. Following this with further gross violations of the sovereignty of the Azerbaijani State, the Supreme Council of Armenia adopted a resolution on the formation in Azerbaijani territory of 12 electoral districts and the holding in those areas of elections to the Supreme Council of Armenia. This led, in May 1990, to the holding in the territory of Azerbaijan by representatives of the Armenian Government of illegal elections to the Supreme Council of Armenia. Subsequently, the Supreme Council of Armenia adopted a resolution recognizing the authority of the deputies of the Supreme Council of Armenia, including those deputies who had been elected in the territory of Azerbaijan, in Nagorny-Karabakh.

It should be noted that this resolution was signed by Mr. L. Ter-Petrosian, at the time Chairman of the Supreme Council of Armenia and currently President of the Republic of Armenia.

The Supreme Council of Armenia elected at that time remains in place, and the deputies illegally elected in the territory of Azerbaijan are full members of the Armenian Parliament, participating in its work and voting on various legislative and State acts, while many of them simultaneously hold leadership positions in the so-called Nagorny-Karabakh Republic.

3. The Supreme Council of Armenia has also adopted a resolution on the incorporation of plans for the economic development of Nagorny-Karabakh into the State programme for the economic development of Armenia.

4. After Armenia's admission to membership in the United Nations and to the Conference on Security and Cooperation in Europe, the Supreme Council of Armenia adopted a resolution in June 1992 which, according to a Radio Erevan report of 10 July 1992, stressed that, on the basis of international law, and considering as unacceptable the recognition of the Nagorny-Karabakh Republic as an integral part of Azerbaijan, the Supreme Council of Armenia had decided to:

- Defend, from the territory of the Republic of Armenia, the Nagorny-Karabakh Republic and its population;
- Reject any acceptance by the Republic of Armenia of any instrument recognizing the Nagorny-Karabakh Republic as an integral part of Azerbaijan;
- Undertake military mobilization in the Republic of Armenia.

As can be seen from the above, Armenia, brazenly flouting the sovereignty and territorial integrity of Azerbaijan and totally ignoring international law, first adopted legislation on a unilateral basis to annex part of the territory of another State and then extended, *de jure* and *de facto* its jurisdiction over this territory, including in the military sphere.

I would draw particular attention to the fact that, since the referendum on Armenian sovereignty, the Supreme Council of Armenia has adopted no legislative acts setting aside the effect of the above-mentioned resolutions, which remain in force and are being implemented; to make matters worse, new acts are being adopted.

It is perfectly clear that all these facts irrefutably bear witness to Armenia's intentions to expand its territory at the expense of the territories of another State, namely Azerbaijan, intentions which are currently being put into effect through aggression and the occupation by the armed forces of Armenia of more than 10 per cent of the territory of Azerbaijan.

Armenia's ill-disguised territorial claims on Azerbaijan, its continued aggression against a sovereign State and its refusal to withdraw its troops from occupied Azerbaijani territories, thereby seriously jeopardizing peace and security in the region, convincingly demonstrate that the time has

come for the Security Council, in accordance with the Charter of the United Nations, to take effective measures to halt Armenia's aggression against Azerbaijan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations

DOCUMENT S/25635

Letter dated 19 April 1993 from the representative of Azerbaijan to the President of the Security Council

(Original: Russian)
[20 April 1993]

Recently, in a number of official documents prepared by the United Nations Secretariat and Security Council and dealing with the major conflict between Armenia and Azerbaijan, and especially in connection with the massive aggression in the Kelbadjar district, the name "Nagorny-Karabakh" has been used without any indication of the fact that the area belongs to the Azerbaijani Republic.

Perhaps this was due to an oversight or to stylistic considerations; however, a number of other circumstances compels us to assume that the terminology used in official documents dealing with this problem, imposed on the United Nations by the Armenian side, is one of the elements of Armenia's carefully conceived strategy to provide a legal basis for and justify its consistent plan to seize Nagorny-Karabakh from Azerbaijan.

The current phase of Armenia's open aggression against Azerbaijan was preceded by the Armenian Parliament's passage of an act on Armenia's annexation of Nagorny-Karabakh, an area that the entire international community recognizes as an integral part of Azerbaijan. Yet for some time Armenia has been circulating letters within the United Nations from the so-called "Nagorny-Karabakh Republic" in which, in particular, the fact that military actions are being conducted against Azerbaijan was openly admitted.

At the same time, efforts are constantly being made to assure us that the Republic of Armenia is not questioning Azerbaijan's territorial integrity and has nothing to do with the military actions that have led to the occupation of more than 10 per cent of the territory of Azerbaijan.

Under these circumstances, the use of the designation "Nagorny-Karabakh" in Secretariat and Security Council documents without any acknowledgement that the area belongs to Azerbaijan suits Armenia, which has occupied almost all of Nagorny-Karabakh and is trying to make the world forget that the area is part of Azerbaijan, but absolutely does not suit Azerbaijan, which is waging a just struggle for its territorial integrity.

In the light of the foregoing, we request that in the future the following designation for the region be obligatory in all official United Nations documents prepared by the Secretariat and the Security Council: "Nagorny Karabakh area of the Azerbaijani Republic". This will effectively confirm Azerbaijan's territorial integrity and sovereignty and the inviolability of its borders.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

DOCUMENT S/25636

Letter dated 19 April 1993 from the representative of Ukraine to the Secretary-General

*[Original: English]
[20 April 1993]*

I have the honour to transmit herewith, the text of the Appeal by the employees of the Ukrainian Danube Shipping Company addressed to you in connection with the special economic problems arising from the carrying out by Ukraine of the Security Council sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

I kindly request you to have the text of this letter and the Appeal circulated as a document of the Security Council.

*(Signed) Victor H. BATIOUK
Permanent Representative of Ukraine
to the United Nations*

TEXT OF THE APPEAL

[Original: Russian]

The sailors and other employees of the Ukrainian Danube Shipping Company have great respect for the United Nations and the Secretary-General.

The highly complex problems facing our company - the largest Ukrainian shipping company on the Danube - and the huge economic losses that it is incurring as a result of the tightening of the embargo against Yugoslavia (Serbia and Montenegro) have prompted us to make this Appeal.

Since the sanctions went into effect, the Ukrainian Danube Shipping Company has not once violated the embargo. Security Council resolutions 757 (1992) and 787 (1992) are being strictly implemented, a fact that can be attested by representatives of United Nations missions in Ukraine and other countries of the Danube.

While we support the decisions of the international community, we believe that the application of sanctions

against one country should not result in heavy economic losses and moral suffering for other countries.

As a result of the increasingly stringent measures and the imperfect regulating and monitoring mechanism, our company's fleet has virtually halted its commercial shipping on the Danube. Ukrainian export and import shipping on the Danube in bilateral trade with Hungary, Slovakia, Austria and Germany are paralysed. Also paralysed is our company's traditional transport of cargo in transit from the aforementioned countries to ports of the Mediterranean and Red Seas, India and South-East Asia.

Our cruise line operating on the Danube "from the Alps to the Black Sea", which for 30 years has been popular among Europeans and Americans, has been halted.

Because of shipping delays, losses have been incurred not only by our foreign partners but by suppliers - Ukrainian metallurgical combines and coal mines.

The economic losses - both actual and those which will be incurred by the end of 1993 - from the halting of shipping on the Danube are estimated at US\$ 350 million. The current idleness of our fleet is leading to the bankruptcy of the company, whose fixed assets total over US\$ 2 billion, unemployment and the loss of livelihood for the 25,000 employees of the company and the more than 100,000 members of their families.

In the light of the foregoing, we demand compensation for our losses.

In its efforts to find optimal arrangements for implementing United Nations resolutions, our company has, on more than one occasion, initiated multilateral meetings with all interested parties. In the port of Izmail, the conditions necessary for the work of the United Nations mission were created. Unfortunately, all our hopes that it would be possible to ensure normal work on the Danube, under the supervision of the mission, have not been met.

The Ukrainian Danube Shipping Company urgently appeals to you to provide assistance, within the shortest possible time, in elaborating a rational and efficient mechanism for monitoring cargo in transit along the Danube through Yugoslav waters, and effectively coordinate the actions undertaken by all representatives of United Nations missions.

We sincerely hope that all States Members of the United Nations will understand the extremely complicated situation in which the Ukrainian Danube Shipping Company finds itself as a result of the application and tightening of the sanctions against Yugoslavia (Serbia and Montenegro).

This Appeal was adopted at a collective meeting of the sailors and other employees of the Ukrainian Shipping Company on 13 April 1993.

*(Signed) A. F. TEKHOV
General Director of the Ukrainian
Danube Shipping Company*

**Letter dated 19 April 1993 from the representative of
Iraq to the Secretary-General**

*[Original: Arabic]
[20 April 1993]*

On instructions from my Government and with reference to the letter from the Permanent Representative of Croatia to the United Nations contained in document S/25482, I should like to deny categorically the allegations contained in that letter concerning "the ties that the Belgrade regime is strengthening with military establishments of Iraq".

The embargo imposed on Iraq by the United Nations has, in practice, brought a halt to all forms of intercourse with the countries of the world, including the Federal Republic of Yugoslavia and Croatia.

Such wanton talk from the Mission of Croatia is intended to drag the name of Iraq into the conflicts of others for a political purpose. Furthermore, the United Nations ought not to be used as a forum for making allegations, such as these, without any factual basis whatever.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations*

DOCUMENT S/25640

**Letter dated 19 April 1993 from the representative of
Croatia to the Secretary-General**

*[Original: English]
[20 April 1993]*

I have the honour to submit, enclosed herewith, a Joint Declaration made on 18 April 1993 at Zagreb by the President of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegović, and the President of the Croatian Community Herceg-Bosna, Mr. Maté Boban, on the recent fighting reported between the allied forces of the Bosnian Army and Croatian Defence Council.

I should be grateful if you would provide for the circulation of this letter and the Joint Declaration as a document of the Security Council.

*(Signed) Vladimir DROBNJAK
Chargé d'affaires a.i. of the Permanent Mission
of Croatia to the United Nations*

Zagreb, 18 April 1993

After talks on relations between Croats and Muslims, Alija Izetbegović and Maté Boban have concluded the following:

1. All disagreements regarding relations between the Croat and Muslim people of Bosnia and Herzegovina must be solved through political means.

2. There is no reason for hostilities between the Army of Bosnia and Herzegovina and Croatian Defence Council Forces.

3. We order all units to cease hostilities immediately, release prisoners and through negotiation at all levels remove the causes of conflict.

4. Immediately establish responsibility and the aims of units and individuals for the beginning of hostilities.

*(Signed) Alija IZETBEGOVIĆ
President of the Republic
of Bosnia and Herzegovina*

*(Signed) Maté BOBAN
President of the Croatian
Community Herceg-Bosna*

DOCUMENT S/25641

**Letter dated 20 April 1993 from the representative of
Azerbaijan to the President of the Security Council**

*[Original: Russian]
[20 April 1993]*

In his letter, which was circulated as a document of the Security Council [S/25510], the Permanent Representative of Armenia to the United Nations referred to Robert Kotcharian as the "President of Nagorny-Karabakh's Defence Committee".

I should like to draw your attention to the fact that Mr. Kotcharian is a deputy to the highest legislative body of Armenia - the Supreme Council - from electoral district No. 99.

The fact that a member of the Armenian Parliament is the head of the armed forces of the so-called "Nagorny-Karabakh Republic" is further evidence of Armenia's direct participation, through members of its Parliament, in the aggression being perpetrated against Azerbaijan.

This is also borne out by the statement made by Mr. Kotcharian himself, which appeared as the annex to the aforementioned letter, in which he provides information about the order he issued to the so-called "Nagorny-Karabakh Republic" armed forces - which in fact are an expeditionary corps of the Armenian armed forces and which has occupied Nagorny-Karabakh of the Azerbaijani Republic - "to

undertake all necessary measures to ensure the defence of the people and borders of Nagorny-Karabakh", which, in actual fact and as is well known, was the invasion by Armenian troops of the Kelbadjar district of Azerbaijan.

This and other facts demonstrating Armenia's direct participation, which we reported in our letter [S/25634], in spite of Armenia's attempts to confuse the international community and hide the truth from it, are incontrovertible evidence of Armenia's aggression against Azerbaijan.

I request that you and the members of the Security Council bear these facts in mind when you consider the situation and the report prepared by the Secretary-General in pursuance of your statement of 6 April 1993 [S/25539], and take appropriate measures under the Charter of the United Nations to halt Armenia's aggression against Azerbaijan and impose appropriate sanctions against Armenia.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations

DOCUMENT S/25642

**Letter dated 20 April 1993 from the representative of
Bosnia and Herzegovina to the President of the
Security Council**

[Original: English]
[20 April 1993]

In view of the deteriorating situation throughout Bosnia and Herzegovina, caused by continuing and intensified Serbian aggression, the Government of the Republic of Bosnia and Herzegovina strongly believes that current humanitarian efforts are inadequate at best.

Despite the agreements reached at the London Conference and numerous others thereafter, that Serbian heavy artillery would be neutralized, these weapons continue to be the root cause of most civilian deaths throughout Bosnia and Herzegovina. In fact, more weapons arrive daily from Serbia and Montenegro.

In view of the lack of concrete international action to directly take control of or neutralize heavy weaponry, to interdict supply lines penetrating our Republic from Serbia and Montenegro, to stop the aggression against our Republic and to end the genocide targeting our people, the arms embargo against the Government of Bosnia and Herzegovina should be declared invalid. If this action is deemed to pose an unacceptable risk to United Nations personnel and their current mission, then the Government of Bosnia and Herzegovina clearly requests that such missions be appropriately modified and that such United Nations personnel take precautionary measures and, if necessary, withdraw.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25643

**Letter dated 10 April 1993* from the representative of
Yugoslavia to the President of the Security Council**

[Original: English]
[20 April 1993]

The President, the Prime Minister and the Permanent Representative of the Republic of Croatia to the United Nations have recently sent letters to the President of the Security Council in which they have arbitrarily, and without any evidence, accused Yugoslavia, the Serbian side and some leaders of events that have not taken place or of acts that have not been committed by them.

The fact that Croatia is increasingly resorting to such practice precisely at this moment - which is characteristic of its overall behaviour but which is not fitting in international diplomatic practice - and that this is done by its highest representatives can be understood only in the light of two elements. First, Croatia has no arguments to justify its aggression against the Republic of Serbian Krajina in the United Nations Protected Areas, sector South, its continued armed provocations in sector North, its attacks on the Federal Republic of Yugoslavia on the border with Montenegro and its military intervention in Bosnia and Herzegovina. Secondly, Croatia has launched a propaganda offensive in order to cover up and warrant preparations for a major aggression against the territories of the Republic of Serbian Krajina and the Republic of Srpska and possibly against the Federal Republic of Yugoslavia.

In this context, I wish to call your attention to some of the facts.

In his letter dated 19 March 1993 to the President of the Security Council, the Croatian Prime Minister did not deny at all the true and substantiated information on armed attacks by Croatian troops against the Federal Republic of Yugoslavia on its border with Montenegro. The UNPROFOR [United Nations Protection Force] monitors and their headquarters have received full information about these incidents. Therefore, he has used the old *divide et impera* trickery by mentioning the alleged differences of opinion among representatives of Montenegro, Serbia, the federal authorities of the Federal Republic of Yugoslavia and the Army of Yugoslavia. The objective is to lead the international public to believe in the absence of unity in the Federal Republic of Yugoslavia, i.e. in the aggressiveness of

*Received by the Secretariat on 20 April 1993.

the highest federal authorities and the Army of Yugoslavia, allegedly dominated by Serbs.

Regarding the letter from the Croatian Permanent Representative to the United Nations, in which he referred to an alleged interview by Col. Stojan Spanovic with the Slovene daily *Delo* on 22 March 1993, I have to recall that Col. Spanovic denied that he had ever been interviewed by any of its journalists. It is a sheer fabrication, unfortunately also referred to by Croatian President Mr. Franjo Tudjman himself in his letter to the President of the Council dated 24 March 1993 [S/25468].

President Tudjman's main intention is to persuade international factors that an aggression is under way in Croatia and that "the Belgrade authorities are involved" in it, and to urge an emergency meeting of the Security Council. In doing so, Croatia is clearly counting on a benevolent attitude of the Security Council and of some other international factors towards its past behaviour in flagrant violation of its decisions.

The reality, however, is quite the opposite. The Croatian aggression in sector South began on 22 January and is still on, and Security Council resolution 802 (1993) has not been implemented to date. The position taken by the Federal Republic of Yugoslavia has been clear and consistent. We have never taken and will never take steps that would disrupt the peace process and undermine the activities of the United Nations, although Croatia has flagrantly violated the Vance plan and all the commitments under this peace-keeping plan.

As I said earlier, the whole propaganda "scam" of the Croatian side is designed to play low key on their true intentions, namely on a massive offensive on the Republic of Serbian Krajina, the Republic of Srpska and on the Federal Republic of Yugoslavia. We are in possession of credible information that Croatia has been amassing 50,000 troops or 15 brigades, in addition to five 15,000-strong brigades already engaged in the aggression in sector South, for its attack on the areas under the protection of UNPROFOR in Croatia.

Taking into account that Croatia has 45,000 to 50,000 regular troops in former Bosnia and Herzegovina, that Presidents Tudjman and Izetbegović recently signed a military agreement, that President Tudjman said that "the lost territories must be regained by force", as well as the statements by the Croatian soldiers who defected and some specific preparations that have been speedily undertaken, it is beyond doubt that both Croatia and the Croat-Muslim coalition in former Bosnia and Herzegovina are preparing for a massive aggression and an all-out war. Lt. General Lars-Eric Wahlgren, Commander of UNPROFOR, has been more fully informed about the deployment and preparation of the Croatian forces.

I deplore that some Council documents and recent moves by other international factors have not helped bring about an end to war and a peaceful settlement of the problems in the territory of the former Socialist Federal Republic of

Yugoslavia, but objectively bring in force and encourage the Republic of Croatia and the Muslim forces loyal to Alija Izetbegović to impose their will upon the Serb people by force. They ignore that the use of force is not the way to achieve a just solution to the problem and to ensure a lasting peace in this region. I am confident therefore that the Council will not fail to take urgent steps to make it clear to all factors concerned, in particular the parties to the conflict, that the Organization can only mediate a negotiated and peaceful settlement of problems.

Continuing to show great respect for the authority of the United Nations and for the Security Council, I should be grateful if you would bring this letter to the attention of the Council and have it circulated as a document of the Council.

(Signed) Dragomir DJOKIĆ
*Chargé d'affaires a.i. of the Permanent Mission
of Yugoslavia to the United Nations*

DOCUMENT S/25644

Letter dated 21 April 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[21 April 1993]

Recent reports of conflicts between the Bosnia and Herzegovina Army (ABH) and the Croatian Defense Council (HVO) have been greatly exaggerated as an ethnic conflict between Muslims and Croats.

This fighting is not a conflict based along ethnic lines. Rather, it is a conflict which is a consequence of the international community's arms embargo on Bosnia and Herzegovina, and the international community's failure to provide adequate humanitarian assistance to the besieged population in central Bosnia and Herzegovina.

The arms embargo denies both Muslims and Croats adequate defence capabilities in the face of barbarous aggression from Serbia and Montenegro. The arms embargo and the lack of adequate sustenance pits neighbour against neighbour for control of scarce resources.

If the two armies had adequate defence capabilities and if the population in central Bosnia were adequately assisted with humanitarian needs, conflict between local leaders would have never occurred.

Furthermore, I am pleased to report that the conflicts between the two armies have subsided today, as leaders from both sides have taken concrete and intensive measures to reallocate meagre resources. Despite the conflicts over the past two days, the alliance between ABH and HVO will be firmly sustained.

May I ask for your kind assistance in circulating the present letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
*Permanent Representative of Bosnia and Herzegovina
to the United Nations*

DOCUMENT S/25647

**Letter dated 21 April 1993 from the representative of
Cyprus to the Secretary-General**

[Original: English]
[26 April 1993]

I have the honour to forward herewith the text of a self-explanatory letter dated 15 April 1993 with the request that it be circulated as a document of the Security Council.

(Signed) A.J. JACOVIDES
*Permanent Representative of the Republic of Cyprus
to the United Nations*

**LETTER DATED 15 APRIL 1993 FROM THE
REPRESENTATIVE OF CYPRUS TO THE
SECRETARIAT**

On the subject of the financing of the United Nations Peace-keeping Force in Cyprus [UNFICYP] and further to our telephone conversation of today in which I conveyed to you my Government's offer to contribute, on a continuing basis, one third of the annual cost of the Force, in accordance with your request I hereby confirm this in writing with the clarification that this offer relates to the Secretary-General's preferred option of infantry units to the amount of \$47,130,000, of which the contribution of my Government would be \$15,710,000.

We trust that this offer will facilitate the satisfactory solution of the problems of UNFICYP's financing through assessed contributions, as proposed by the Secretary-General, most recently in his report of 30 March 1993 [S/25492].

(Signed) A. J. JACOVIDES
*Permanent Representative of the Republic of Cyprus
to the United Nations*

DOCUMENT S/25648

**Letter dated 21 April 1993 from the representative of
Yugoslavia to the Secretary-General**

[Original: English]
[22 April 1993]

I have the honour to transmit herewith the statement of the Government of the Federal Republic of Yugoslavia concerning Security Council resolution 815 (1993) on the

extension of the mandate of the United Nations Protection Force.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
*Chargé d'affaires a.i. of the Permanent Mission
of Yugoslavia to the United Nations*

TEXT OF THE STATEMENT

The Federal Republic of Yugoslavia has repeatedly stated that it supports the Vance plan and that in view of the safety and the security of the Serbs in parts of the territory of the former Socialist Federal Republic of Yugoslavia, it is necessary to extend the mandate of UNPROFOR [United Nations Protection Force] for a longer period of time - at least one year.

Even though the Federal Republic of Yugoslavia supports the extension of the mandate of UNPROFOR, as contained in Security Council resolution 815 (1993), we consider that some of its provisions are unacceptable, being contrary to the Vance plan, particularly those contained in the second preambular paragraph and paragraph 5.

The unresolved status of Krajina, which is being considered within the framework of the International Conference on the Former Yugoslavia, was the main reason that, at the request of Yugoslavia, UNPROFOR was deployed in the present areas. The provisions contained in the above-mentioned paragraphs create possibilities for arbitrary assessment of the objectives of the Conference and consequently of the mandate of UNPROFOR. Such provisions prejudice the overall political settlement and the final outcome of the Conference, being therefore unacceptable to the Government of the Federal Republic of Yugoslavia.

DOCUMENT S/25650

**Letter dated 20 April 1993 from the representative of
Azerbaijan to the President of the Security Council**

[Original: Russian]
[22 April 1993]

I have the honour to inform you that, guided by the principles enshrined in the Charter of the United Nations and on the basis of the fact that any of the following actions, irrespective of a declaration of war, is defined as aggression under General Assembly resolution 3314 (XXIX):

"(a) The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion

or attack, or any annexation by the use of force of the territory of another State or part thereof;

"(b) Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;

"(g) The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein".

I consider it my duty on behalf of the Government of the Azerbaijani Republic to bear witness to the following facts (as of 19 April 1993).

I. Populated areas of the Azerbaijani Republic subjected by the armed forces of the Republic of Armenia to aggression, capture and destruction. They were all subjected to "ethnic cleansing" of the Azerbaijani inhabitants, who were driven from their homes by armed force. Persons from among the peaceful population have been killed and wounded. At the current time the armed forces of the Republic of Armenia have occupied:

1. In the Agdam district (bordering on the Nagorny Karabakh area of the Azerbaijani Republic occupied by the Republic of Armenia) the village of Abdal, whose population numbered 1,012 persons, and the village of Kulably, with 1,413 persons.

2. In the Fizuli district (bordering on the Nagorny-Karabakh area of the Azerbaijani Republic occupied by the Republic of Armenia) the villages of Gorchak, 725 persons; Yukhary Veisally, 761 persons; Kovshadly, 1,087 persons; Kadisar, 1,987 persons; and Divanalilyar, 279 persons.

3. In the Lachin district (bordering on the Republic of Armenia and the Nagorny Karabakh area of the Azerbaijani Republic occupied by Armenia) a total of 123 populated areas with an overall population of approximately 50,000 persons. At the present time, under the guise of the so-called "Lachin humanitarian corridor" armed forces of the Republic of Armenia have captured and occupied 116 of the 123 populated areas. The entire Azerbaijani population has been forcibly expelled from these villages and towns.

Of the 1,835 square kilometres constituting the overall area of the Lachin district, Armenian armed forces have captured and occupied 1,680 square kilometres, which comprise 93 per cent of the district's territory. The remaining 7 per cent of the land is under constant aerial and artillery bombardment by the armed forces of Armenia.

4. In the Kelbadjar district (bordering on the Republic of Armenia and the Nagorny Karabakh area of the Azerbaijani Republic occupied by Armenia) there is a total of 148 populated areas with an overall population of approximately 68,000 persons. All 148 populated areas of the district without exception were subjected to aggression, captured and

occupied by Armenian armed forces; 65,980 persons (10,888 families) were evacuated and the fate of those remaining in the occupied area is unknown. Owing to the need to evacuate the civilian population as speedily as possible, continuous artillery bombardment by Armenian armed units and severe climatic conditions, part of the refugees in the mountainous area is missing and a large number of persons are currently in grave condition in civilian and military hospitals in Azerbaijan.

5. In the Kubatlin district (bordering on the Republic of Armenia and the Nagorny-Karabakh area of the Azerbaijani Republic occupied by Armenia) the village of Eivazli, with a population of 78 persons, was captured.

6. In the Zangelan district (bordering only on the Republic of Armenia) the following villages have been occupied: Gazynchi, with a population of 197 persons; Seidlyar, 72 persons; Kundgyshlak, 60 persons; Agkend, 111 persons; Pirveis, 70 persons; Dereli, 70 persons; Djhanbar, 60 persons; and Yukhary Këyali, 69 persons.

7. In the Kazakh district (bordering only on the Republic of Armenia) the villages of Baganis Airym, 424 persons; Barkhudarly, 312 persons; Yukhary Askipara, 467 persons; Ashagi Askipara, 1,014 persons; Sofulu, 172 persons; and Kheirimli, 212 persons.

8. In the Geranboy district (bordering on the Nagorny-Karabakh area of the Azerbaijani Republic occupied by the Republic of Armenia) the village of Gyulistan, with a population of 750 persons, was captured.

9. In the Nakhichevan district of Azerbaijan (bordering only on the Republic of Armenia) the village of Kerki, with a population of 374, was occupied.

II. Populated areas of the Azerbaijani Republic which are being systematically subjected to aggression; invasion; attack; aerial, artillery and tank bombardment; and destruction. Persons from among the peaceful population have been killed and wounded. As of the present time the peaceful population has been completely or partially evacuated.

1. In the Agdam district (bordering on the Nagorny-Karabakh area of the Azerbaijani Republic occupied by the Republic of Armenia) the villages of Napravend, Karakirimli, Mollalar, Beiakhmedli, Jalaigylar, Kyurdlyar, Alimazagli, Aliagali, Djynli, Khydyrly, Chukhurmazhla, Sarygajly, Kiyasli, Akhmadavar, Alimardanly, Perioglular, Poladly, Shelli, Kasymly, Muganly, Shikhabaly, Seibaly, Bagbanlar, Ismailbeili, Marzili, Salakhly, Khatyrderbend, and Ashagy Mollalar. A total number of 50,004 persons were evacuated from these villages. Owing to the constant bombardment of the city by Armenian armed units, 17,000 persons from among the peaceful population were evacuated from the district centre of Agdam.

2. In the Fizuli district (bordering on the Nagorny-Karabakh area of the Azerbaijani Republic occupied by the Republic of Armenia) the villages of Ashagi Veisaly,

Dilagarda, Zarger, Kaoudilagarda, Yukhary-Yaglevend, Karvend, Dovletlyarly, Shakherjik, Seimakhmudlu, Yukhary Aibasany, Mirzadjamally, Aleskerli, Dedli, Ishygly, Gajagedlyu, Djuvarly, Xalavsha, Kochakhmedli, Kargabazar, Arysh, Yal Pirakhmedli, Molla Veli, Khatynbulag, Karakellu, Ashagi Gyuzlyak, Yukhary Rafadinli and Ashagi Rafadinli. A total number of 37,589 persons were evacuated from these villages and the district centre of Fizuli.

3. In the Lachin district (bordering on the Republic of Armenia and the Nagorny-Karabakh area occupied by Armenia) the villages of Ashagi Farajan, Farajan, Safyan, Turklyar, Gyulyabir, Gasydere and Melik Akhmedli. A total of 59,483 persons were evacuated from this district because of aggression by Armenian armed forces.

4. In the Djebrail district (bordering on the Nagorny Karabakh area of the Azerbaijani Republic, occupied by the Republic of Armenia), the villages of Kushchular, Belyand, Kyshlak, Pamy, Gerazyly, Yukhary Gyuzlyak, Suleimanly, Efendilyar, Cherkend, Khalafli and Kerrar, as well as the district centre, the town of Djebrail. A total of 9,150 people were evacuated.

5. In the Kubatly district (bordering on the Republic of Armenia and on the Nagorny-Karabakh area of the Azerbaijani Republic, occupied by the Republic of Armenia), the villages of Khat, Tatar, Milanly, Basharat, Alikuliushagy, Dagudlu, Kadili Movlu, Mazra, Seitas, Shumukh, Geyarabas, Khallava, Yukhary Djibikli, Ashagi Djibikli, Chaizami, Eyin, Chardakhly, Taroglu, Poladly, Mekhrili, Ashagi Khajamusakhly, Zar, Parjan, Saldash, Chereli, Boyunagyar, Balkygaya and Sarylykheshtab, as well as the district centre, the town of Kubatly. A total of 6,212 people were evacuated.

6. In the Zangelan district (bordering only on the Republic of Armenia), the villages of Akbiz, Ashagi Emizli, Orta Emizli, Yukhary Emizli, Karababa, Kuyuderekheshteb, Otuzinj, Sheiflyu, Shaefly, Yusiflar, Karagel, Kechikli, Shotariz, Beshdali, Malatneshin, Kollu Gyshlag, Sobu, Meshadi Ismailly, Razdere and Veshnali, as well as the town of Zangelan. A total of 2,833 people were evacuated.

7. In the Kazakh district (bordering only on the Republic of Armenia), the villages of Kemerli, Farakhli, Kushchu Airum, Mazanly, Abbas Beili, Alpout, Kyzylgajly, Djafarli, Bala Djafarli. A total of 6,047 people were evacuated.

8. In the Akstafa district (bordering only on the Republic of Armenia), the villages of Tatly and Kegnakyshlak. A total of 1,447 people were evacuated.

9. In the Tauz district (bordering only on the Republic of Armenia), the villages of Gajally, Myulkyulyu, Alibeili, Agdam, Chokhanabi, Asrikjirdakhan, Agbulak, Kiran, Munjuglu and Kosha. A total of 5,000 people were evacuated.

10. In the Kedabek district (bordering only on the Republic of Armenia), the villages of Karalar, Novosaratovka, Karabeller, Gajilar, Eiridere, Geyali, Kollu,

Shinykh, Karabaglar, Zallany, Djujanly, Mutudere and Novoivanovka. A total of 1,663 people were evacuated.

11. In the Nakhichevan area of Azerbaijan (bordering only on the Republic of Armenia), the villages of Bicheneg, Kyukyu, Yukhary Buzgov, Ashagi Buzgov, Avush, Yukhary Aiji, Djagazur, Danzik, Gyunnyut, Sadarak and Numunavi. A total of 12,350 people were evacuated.

III. The Nagorny-Karabakh area of the Azerbaijani Republic, occupied by the Republic of Armenia

As a result of ethnic cleansing carried out by Armenian armed terrorists between 1988 and 1992 in the territory of Nagorny Karabakh, the following towns and villages with a predominantly Azerbaijani population were cleansed of their Azerbaijani population: Neshali, 342 people; Khojavend, 1,387 people; Akhullu, 575 people; Garadagly, 874 people; Kunesli, 268 people; Muganly, 1,118 people; Amiralar, 1,207 people; Karkijakhan, 1,708 people; Kuropatkino, 717 people; Salakatin, 195 people; Gushchular, 114 people; Kosalar, 576 people; Djankhasan, 156 people; Djavadlar, 156 people; Yaalobakend, 191 people; Bashkend, 224 people; Garakaf, 125 people; Djamili, 660 people; Pashalar, 68 people; Chaikend, 242 people; Mamishlyar, 24 people; Koitala, 111 people; Malybeili, 2,323 people; Turshsu, 873 people; Yukhary Gushchular, 302 people; Ashagi Gushchular, 295 people; Djamilyar, 33 people; Orta Gushchular, 247 people; Khanlyglaya, 209 people; Allakhgulular, 109 people; Zamanpaisy, 16 people; Imangulular, 213 people; Gaibaly, 175 people; Safikhanlar, 92 people; Khalafli, 135 people; Dyukanlar, 93 people; Mirzalar, 35 people; Khanaly, 349 people; Lachchinlar, 30 people; Zarysly, 278 people; Shiran, 152 people; Nabilar, 112 people; Syrkhavend, 1,486 people; Bash Kuneipaya, 704 people; Orta Kuneipaya, 238 people; Khalikli, 923 people; Khatynbeili, 277 people; Imarat Garvend, 1,111 people; Narynchlar, 467 people; Charakter, 705 people; and Umudlu, 1,034 people, as well as the towns of Shusha, 16,400 people and Khojaly, 5,434 people, totalling 53 inhabited localities. A total of 45,662 inhabitants of Azerbaijani nationality have been expelled from these towns and villages by armed force.

Besides those listed above, a further 160 towns and villages of the Nagorny-Karabakh area of the Azerbaijani Republic, in which the Azerbaijani population is a minority, have been subjected to total ethnic cleansing with the use of armed force, in the course of which there have been mass killings of civilians.

In total, some 54,000 Azerbaijanis have been the victims of ethnic cleansing in the Nagorny-Karabakh area of the Azerbaijani Republic.

Meanwhile, according to reports received from Azerbaijan, Armenian armed formations are continuing their aggression against Azerbaijani towns and villages. Thus, on the night of 18 April, the armed forces of Armenia continued shelling frontier towns and villages of the Zangelan, Kedabek and Tauz districts of Azerbaijan. In the Zangelan district, the villages of Yukhary Emizli, Kollu Gyshlag, Shaefli, Shotaraz,

Najaflar and Razdere were subjected to shelling. There has been wide-scale destruction of homes and community facilities. In the Kedabek district, the villages of Novoivanovka, Novosaratovka, Mor-Mor, Parakend and the district centre of Kedabek were subjected to shelling by Grad launchers, tanks and armoured fighting vehicles from the territory of the Krasnoselsk district of the Republic of Armenia. Houses were destroyed.

In the light of the above, we appeal to the Security Council to take effective steps:

- to put a stop to the aggression waged by the Republic of Armenia against the Azerbaijani Republic;
- to halt the incursion of Armenian armed forces into the territory of Azerbaijan;
- to condemn the aggression of the Republic of Armenia against the Azerbaijani Republic;

- to compel the leaders of the Republic of Armenia to withdraw their armed forces from the invaded and occupied territories of the Azerbaijani Republic;
- to impose all appropriate sanctions on the Republic of Armenia, as an aggressor and invader;
- to appeal to the Republic of Armenia to comply with the norms of international law and the Charter of the United Nations.

I should be grateful if you would have this letter and the annexed map of the Azerbaijani Republic circulated as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

**Letter dated 22 April 1993 from the representative of
Yugoslavia to the President of the Security Council**

*[Original: English]
[22 April 1993]*

I am referring to the letter of 21 April 1993 by the Bosnian representative, Mr. Muhamed Sacirbey, to you, in which once again an attempt was made to put the blame on the Federal Republic of Yugoslavia for the civil war in the former Yugoslav Republic of Bosnia and Herzegovina, and for the new outburst of killings and ethnic cleansing between Muslims and Croats by invoking a non-existing outside aggression. It is to be regretted that yet another call was launched for lifting of the arms embargo at the time when the international community is intensifying the efforts for bringing peace to the suffering peoples of Bosnia and Herzegovina.

The statement by the President of the Security Council on the outbreak of atrocities and killings between Muslims and Croats of 21 April, and its substance, cannot be sidetracked by the introduction of untrue statements and additional formulations at the expense of the Serbian people, however fashionable it might seem at the moment. Peace could only be achieved by peaceful means and negotiations, not by one-sided pressure and force.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

*(Signed) Dragomir DJOKIC
Chargé d'affaires a.i. of the Permanent Mission
of Yugoslavia to the United Nations*

DOCUMENT S/25652

**Letter dated 20 April 1993 from the representative of
Slovenia to the Secretary-General**

*[Original: English]
[22 April 1993]*

Pursuant to paragraph 2 of the Security Council resolution 808 (1993), I would like to transmit herewith the letter from Mr. Lojze Peterle, Minister for Foreign Affairs of Slovenia, dated 16 April 1993, and addressed to you, expressing the views of Slovenia with regard to the establishment of an ad hoc international tribunal for war crimes committed on the territory of some States in the region of the former Socialist Federal Republic of Yugoslavia.

I should be grateful if you would have the letters circulated as a document of the Security Council.

*(Signed) Danilo TÜRK
Permanent Representative of Slovenia
to the United Nations*

**LETTER DATED 16 APRIL 1993 FROM THE
MINISTER FOR FOREIGN AFFAIRS OF SLOVENIA
TO THE SECRETARY-GENERAL**

Pursuant to paragraph 2 of Security Council resolution 808 (1993), dated 22 February 1993, I should like to report on certain views that Slovenia holds with regard to the establishment of an ad hoc international tribunal for war crimes committed in the territory of some States created in the region of the former Socialist Federal Republic of Yugoslavia.

As I have already made clear in my letter of 26 February 1993, Slovenia supports the establishment of such a tribunal, which would prosecute those responsible for grave war crimes committed in the territories of Bosnia and Herzegovina and Croatia. My Government is convinced that the establishment of such a tribunal is a necessary and very important step, given the fact that those responsible for such crimes would be judged by an impartial judicial body as well as the fact that it could also contribute positively to the finding of solutions for the restoration of peace in the above-mentioned regions. In connection with the resolution and the material which has been prepared on the founding of the tribunal and which my Government has studied (proposals of France [S/25266], Italy [S/25300] and Sweden, on behalf of the Conference on Security and Cooperation in Europe [S/25307]), I should like to inform you of certain suggestions and comments of my Government.

The idea of the establishment of the tribunal has arisen because of the grave, systematic and mass violations of international humanitarian law, violations which have been committed and are still being committed in the territories of Bosnia and Herzegovina and Croatia. Slovenia is not involved in the present conflict in the territory of the aforementioned States. It is true that a few days of armed conflict occurred in Slovenia at the end of June 1991 as a result of the aggression of the Yugoslav People's Army, but the dimensions of this are not comparable with what is happening in the two above-mentioned States. In addition to Slovenia, the former Yugoslav Republic of Macedonia is not nor has been involved in these conflicts and has suffered no armed conflicts in its own territory. We are of the opinion that these facts are not sufficiently reflected in resolution 808 (1993), nor in the aforementioned documents.

These documents continuously speak of crimes committed in the territory of former Yugoslavia. Thus the territorial jurisdiction of the future international court is also determined as being for the entire territory of former Socialist Federal Republic of Yugoslavia.

We think that it would be more logical for the facts noted above to be reflected also in the territorial jurisdiction of the proposed tribunal, so that it would be limited to those regions where mass and grave breaches of humanitarian law and law of armed conflicts have actually taken place and are continuing, for which reason the court is being established,

at which point it would also be worth adding that these crimes have been committed after the dissolution of the former Socialist Federal Republic of Yugoslavia. The purpose of these comments is not for Slovenia to avoid the jurisdiction of the tribunal but for us to express our desire that the tribunal's jurisdiction is balanced more with the actual state of affairs.

I should like once again to assure you that Slovenia will cooperate most surely and fully with the tribunal, even if the Security Council decides on some other territorial jurisdiction than the one here proposed. In such a case we would expect our suggestions to find an appropriate place in your report, which will be prepared in accordance with paragraph 2 of the resolution, as well as in the documents which will define the work of the future tribunal in greater detail.

In certain materials, 25 June 1991 is proposed as the starting date for the jurisdiction of the international tribunal. This is the day independence was declared in Slovenia as well as in Croatia. We would like to stress that this day was not associated with any kind of violence, that the declaration of independence was a peaceful act and that this was not an act aimed against anybody. Given this, we are of the opinion that this date is most unsuitable to be linked with the establishment of the tribunal for war crimes.

More suitable would be dates when conflicts arose which mark the beginning of war in the aforementioned States created on the territory of the former Socialist Federal Republic of Yugoslavia. A different approach could also be possible, that is, that the preparations for war are taken into consideration (the sabre-rattling of politicians in Serbia, violence at Kosovo) by way of analogy with the solutions at the trials at Nürnberg in respect of the responsibilities of the political leaders of the Third Reich for making war.

With regard to the jurisdiction of the tribunal *ratione materiae*, we are of the opinion that it should be limited only to those grave breaches committed *en masse* and systematically. Other violations would fall under the competence of national legislation or courts.

In our opinion the principle of legality (*nullum crimen nulla poena sine lege*) would be most consistently served if the international court applied the provisions of chapter XVI of the Penal Code of the former Socialist Federal Republic of Yugoslavia in the text which was enacted in July 1990. These provisions are in total accordance with the valid international law governing genocide as well as war crimes and crimes against humanity. Such a course of action is also envisaged in the Swedish proposal, but the authors themselves recognize that they have not been able to study carefully the provisions of the penal code and thus a few changes will have to be suggested. We propose that the international court applies the following articles: 141, genocide; 142, war crimes against the civilian population; 143, war crimes against the wounded and sick (which the Swedish proposal does not mention); 144, war crimes against prisoners-of-war; and 145, organizing groups for and inciting to genocide and war crimes, which includes the

policy-makers, the designers and implementers of plans for executing war crimes, conspiracy, etc.). Apart from this, the following criminal acts would fall within the jurisdiction of the international tribunal: article 148, use of prohibited means of war; the articles on destruction of cultural and historical monuments; and the inciting to military aggression.

The provisions of chapter XVI also differentiate between grave breaches, which are included in the above-mentioned articles, and other criminal acts which are not committed *en masse* and systematically. The latter are included in the following provisions of this law: article 146, illegal killing and causing of wounds to the enemy; article 147, illegal confiscation of possessions of those killed and wounded in the battlefield; article 148, use of prohibited means of war, if such acts are not committed *en masse* and systematically; article 149, violation of parliamentary rights; article 150, brutality towards the wounded, patients and prisoners-of-war, if such acts are not committed *en masse* and systematically.

The above-stated provisions of the Penal Code of the former Socialist Federal Republic of Yugoslavia are valid law in all the States that have been created in the territory of former Yugoslavia. All these States have in their Acts of Independence, in one way or another, and with certain restrictions and appropriate adaptations, accepted the previously valid penal code, but such restrictions do not refer to the above-mentioned acts. The only exception here is the death penalty, which in some States, including Slovenia, has been abolished, but not in Bosnia and Herzegovina. We are of the opinion that this should not be an obstacle to the application of the aforementioned valid legislation, while the international legal document on the establishment of the court could determine the highest and lowest sentence of imprisonment.

We trust that our suggestions and comments will contribute to the most appropriate mandate of the international tribunal and to its effectiveness.

(Signed) Lojze PETERLE
Minister for Foreign Affairs

DOCUMENT S/25653

Letter dated 20 April 1993 from the representative of Iraq to the Secretary-General

[Original: Arabic]
[22 April 1993]

On instructions from my Government, I have the honour to transmit herewith an information bulletin showing the impact that the sanctions imposed on Iraq have had on the death rates for children and the elderly.

I should be grateful if you would have the present letter and the information bulletin circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
*Permanent Representative of Iraq
to the United Nations*

TEXT OF THE INFORMATION BULLETIN

The death rate for children in Iraq has increased considerably since the Gulf War because of the coalition's aggression against Iraq, which has caused the destruction of health and education institutions. As a result, these institutions are paralysed and unable to carry out their normal functions.

The statistics recently issued by the Child Welfare Organization in Iraq show the following:

(a) An increase in the per-month deaths of children aged 5 years and over: 3,800 in August 1992, as against 2,289 in August 1991 and 712 in August 1990. The main cause of this tragedy is malnutrition and the severe shortage of vaccines and other medicaments.

(b) As a result of the economic sanctions imposed on Iraq since August 1990, there were 61,442 deaths of children under 5 years of age during the period from August 1990 to August 1992.

(c) The total number of deaths among children aged 5 years and over totalled 6,362 per month in 1992, as against 4,872 in 1991 and 1,833 in 1990.

(d) Low birth weight occurred in more than 17.5 per cent of all newborns, while the percentage was 10.8 per cent in 1991 and 4.5 per cent in 1990. That reflects the impact of the absence of good nutrition essential for the welfare of pregnant women.

(e) The number of hospitals and health centres destroyed or damaged as a result of the coalition's aggression against Iraq was 41 hospitals and 20 health centres.

(f) The aggression against Iraq also caused the destruction of or damage to 57 social welfare establishments, including crèches, institutes for the disabled and State orphanages, and damage to 205 kindergartens and 1,767 primary schools.

DOCUMENT S/25658

**Letter dated 23 April 1993 from the representatives of
France and Indonesia to the Secretary-General**

[Original: English]
[23 April 1993]

In our capacity as representatives of the co-presidents of the Paris Conference on Cambodia, we have the honour to

transmit to you herewith the statement made by the signatory States at the Paris Conference on Cambodia.

We should be grateful if you could provide for the distribution of this statement as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE
*Permanent Representative of
France to the United Nations*

(Signed) Wirtjaksana SOEGARDA
*Chargé d'affaires of the Permanent Mission
of Indonesia to the United Nations*

TEXT OF THE STATEMENT

[Original: English/French]

At the initiative of the Co-chairmen of the Paris Conference on Cambodia, the signatory States of the agreements on a comprehensive political settlement of the Cambodia conflict [*Paris agreements*] declare their firm determination to support the electoral process under way in that country. In particular, they support unreservedly the decision of the Supreme National Council of Cambodia [SNC] the elections shall be held from 23 to 27 May 1993. They call on UNTAC [*United Nations Transitional Authority in Cambodia*] to continue to make every effort to create and maintain a neutral political environment conducive to the holding of free and fair elections, and support UNTAC's endeavours in this respect. For this purpose, the signatory States pledge their full support to the Special Representative of the Secretary-General, M. Yasushi Akashi, in implementing the Paris agreements, in cooperation with the SNC. They associate themselves with resolution 810 (1993) as well as other relevant resolutions of the Security Council.

The signatory States of the Paris agreements vigorously condemn all acts of violence committed on political or ethnic grounds whoever the perpetrators and the victims may be. In particular, they express their indignation at the cowardly assassinations of civilian and military personnel of UNTAC who came to Cambodia on a mission of peace. They demand that all Cambodia parties take measures necessary to end all acts of violence and to ensure particularly the safety of all United Nations civilian and military personnel.

They call upon all Cambodian parties to abide by their commitment under the Paris agreements to respect the results of the elections provided they are certified free and fair by the United Nations. They express their readiness to support fully the Constituent Assembly and the process of drawing up the Constitution and establishing a new Government for all Cambodia.

The signatory States of the Paris agreements express their support for and confidence in His Royal Highness Prince Norodom Sihanouk, head of State and President of the Supreme National Council of Cambodia, for his crucial role in carrying out the peace process and in promoting national reconciliation. They pledge their full support for the determination of Prince Norodom Sihanouk and the people of Cambodia to achieve a comprehensive political settlement and to proceed with the election. They also support fully the

vital role of Prince Norodom Sihanouk and the people of Cambodia in securing the assistance and active engagement of the international community in post election reconstruction and peace-building in Cambodia.

Finally, the signatory States reiterate their full commitment to implement the Paris agreements.

DOCUMENT S/25659

Letter dated 25 April 1993 from the representative of Croatia to the President of the Security Council

[Original: English]
[26 April 1993]

Upon instructions from my Government, I have the honour to attach herewith the text of a Joint Statement signed by the President of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegović, and the President of the Croatian Union of Herceg-Bosna, Mr. Mate Boban, at Zagreb on 25 April 1993. I also enclose the annex to the aforesaid Statement, signed the same day.

I request your kind assistance in circulating the present letter and the Joint Statement as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

TEXT OF THE JOINT STATEMENT

Mr. Alija Izetbegović and Mr. Mate Boban, at the meeting convoked at Zagreb on 24 April 1993 by the Co-Chairman of the International Conference on the Former Yugoslavia, Lord David Owen, and the President of the Republic of Croatia, Mr. Franjo Tudjman, in the presence of Ambassador Peter Hall, Ambassador Herbert Okun, Ambassador Peter Ahrens, Brigadier John Wilson, Brigadier Messervy-Whithing, Mr. Frederick Eckhard, Mr. Ludlow, Mr. Brade, Mr. Jure Radić, Mr. Vladimir Šeks, Mr. Gojko Šušak, Mr. Zdenko Šrabalo, General Janko Bobetko, Ambassador Zdravko Sančević, Mr. Željko Matić, Mr. Ivan Jamjak, Mr. Branimir Jakšić, Brigadier Mile Čuk, Mr. Ejup Ganić, General Sefer Halilović, Ambassador Bisera Turković, Ambassador Muhamed Šaćirbegović, Mr. Kasim Trnsko and Major-General Milivoj Petković, have issued after the meeting the following Joint Statement.

1. In accordance with the Agreement between Mr. Alija Izetbegović, Mr. Haris Silajdžić, Mr. Mate Boban and Mr. Mile Akmadžić, concluded on 3 March 1993 in New York [S/25362], the six members of the coordination body, that is, Mr. Alija Izetbegović, Mr. Ejup Ganić and Mr. Fikret Abdić,

and Mr. Mate Boban, Mr. Mile Akmadžić and Mr. Franjo Boras, will start working within the shortest possible time.

The coordination body will work on the implementation of the Vance-Owen plan to the extent possible, considering the character of the provisions and the present circumstances.

2. In connection with the renewal of the conflicts between the two armies (the Army of Bosnia and Herzegovina and the Croatian Defence Council (HVO)) in central Bosnia and some other parts of the Republic of Bosnia and Herzegovina, which have caused many casualties and serious violations of international humanitarian law, thus posing the threat of far-reaching political consequences, the signatories of the present Joint Statement hereby order all military units of the Army of Bosnia and Herzegovina and of the Croatian Defence Council immediately to cease fire and all hostilities in all areas where such military units are in contact.

3. The signatories of the present Joint Statement urge all commanders and units of the Army of Bosnia and Herzegovina and of HVO unconditionally to respect all the agreements concluded thus far between the representatives of the Croatian and Muslim peoples in the Republic of Bosnia and Herzegovina. In particular, they urge military units of the Army of Bosnia and Herzegovina and of the Croatian Defence Council immediately to start implementing the Agreement on the legality of both the Army of Bosnia and Herzegovina and HVO, and on the establishment of a joint command of both forces made up of representatives of both headquarters (enclosure).

4. The signatories of the Joint Statement reaffirm that the conflicts between units of the HVO and of the Army of Bosnia and Herzegovina in the Republic of Bosnia and Herzegovina are contrary to the policy of the representatives of the two peoples, and that the continuation of such conflicts would seriously jeopardize the achievement of their political goals, that is, the independence and territorial integrity of the Republic of Bosnia and Herzegovina within the framework of the Vance-Owen plan accepted and signed by the signatories of the present Joint Statement, and success in the fight against the aggressor who wants to break the State apart, occupy its territory and annex the occupied territories to "Greater Serbia".

5. The signatories of the Joint Statement condemn most severely all violations of the rules of international humanitarian law regardless of their perpetrators, both sides having been responsible according to data available so far, and undertake urgently to initiate joint and individual inquests concerning each instance of violation of such rights and immediately to examine personal responsibility for the conflicts and crimes perpetrated against the civilian population.

The signatories also agree that the facts should be established by a special independent international commission.

6. The signatories urge the cessation of mutual accusations leading to a media war.

(The Croatian version shall apply.)

(Signed) Mate BOBAN (Signed) Alija IZETBEGOVIĆ

Witnessed by:
Franjo TUDJMAN

25 April 1993, 0045 hours

ENCLOSURE

Command structure for the Army of Bosnia and Herzegovina and the Croatian Defence Council

1. The BiH Army [Army of Bosnia and Herzegovina] and the HVO [Croatian Defence Council] will retain their separate identities and command structures. Their functions will include all aspects of personnel, logistics, administration, training, morale and identity.
2. They will form a Joint Command which will be responsible for the operational control of military districts.
3. The Joint Command will consist of the two Commanders-in-Chief, General Halilović and General Petković, who will meet on a regular basis, at least weekly. They will form a permanent joint headquarters to be located at Travnik and consisting of at least three high-calibre officers nominated by each Commander-in-Chief. These officers will work together on a continuous basis to plan and control the operations of all BiH Army and HVO units.
4. The two Commanders-in-Chief will form military districts, under the joint headquarters, whose areas will be related to the operational requirement for joint operations and not to provisional provincial boundaries. Their areas will not overlap. Each military district will have a commander and a deputy appointed by the Joint Command. In each case one will be drawn from the BiH Army and the other from the HVO.
5. Each military district will exercise operational control over all BiH Army and HVO units in its area.

Alija IZETBEGOVIĆ

Mate BOBAN

General Sefer HALILOVIĆ

General Milivoj PETKOVIĆ

Zagreb, 25 April 1993, 0045 hours

DOCUMENT S/25661

Letter dated 23 April 1993 from the representative of Denmark to the Secretary-General

[Original: English]
[26 April 1993]

I have the honour to transmit herewith the text of a statement on Angola issued by the European Community and its member States on 23 April 1993.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

(Signed) Bent HAAKONSEN
Permanent Representative of Denmark
to the United Nations

TEXT OF THE STATEMENT

[Original: English/French]

More than half a year has passed since the first multiparty elections took place in Angola, as an outstanding achievement of the process that began with the signing of the Bicesse Accords in May 1991. Contrary to the expectations of those who participated enthusiastically in them and of those who observed and found them as having been generally free and fair, their significance for the future of the country has ever since been overshadowed by the outbreak of hostilities, violence and destruction on a scale yet unknown, in spite of the increasing efforts of the international community to convince UNITA [*União Nacional para a Independência Total de Angola*] to accept the outcome of the elections.

The Community and its member States reaffirm their belief that democracy and its inherent values of tolerance and respect for human rights are the only means of overcoming differences and reconciling the Angolan nation. Therefore the Bicesse Peace Agreement and the institutions formed on the basis of the results of the elections and legality must strongly be supported against all adversity, be it military, ideological, financial or otherwise, internal or external. Security Council resolutions 804 (1993) and 811 (1993) must be complied with.

The Community and its member States welcome that the Government of Angola and UNITA have opened negotiations at Abidjan under the auspices of the United Nations. They express their strong wish that these negotiations will result in a peaceful solution to the Angolan conflict leading to national unity and reconciliation. There is a need for a re-establishment of the cease-fire and an immediate cessation of all hostilities.

The Community and its member States are extremely concerned with the humanitarian situation in Angola. The United Nations has issued a strong appeal for humanitarian assistance. We are prepared to provide humanitarian assistance to the millions of Angolans who are the tragic victims of the fighting. In this context, the Community and its member States recall that they consider it unacceptable to make relief operations dependent on any conditions and that they consider that all sides have an obligation to ensure that the humanitarian aid reaches the population in need, irrespective of under whose control the areas concerned happen to be.

**Letter dated 24 April 1993 from the representative of
Albania to the President of the Security Council**

[Original: English]
[26 April 1993]

Upon instructions from my Government, I have the honour to report to you the following:

The Albanian Government has been watching with the utmost concern the development of the Balkan crisis resulting from the unprovoked and chauvinistic aggression of the Serbian forces against Bosnia and Herzegovina. It has consistently condemned the aggression and has warned against the spread of war in the area, with particular reference to the Albanian populated region of Kosova. Encouraged by the reluctance of the United Nations concretely to condemn the aggressor, and in defiance of world public opinion, Serbia has recently intensified its overt hostile acts against Kosova. The situation there has already become explosive, and the danger of the spillover of the conflict is imminent. Recently, there has been an increase of the Serbian military forces in the region, intentional movements of troops, and low flights of Serbian planes over it, which are a clear signal of the breaking out of hostilities in Kosova. Mr. Qosic disclosed of late to the Co-Chairmen of the Conference on Yugoslavia that Serbia has drafted a plan providing for the partitioning of Kosova between Serbia and Albania, thus brutally disregarding the ethnically Albanian character and the undeniable integrity of that region. Moreover, everyday fresh evidence shows that the Serbian authorities intend to carry out in Kosova their plan of massive ethnic cleansing which, silently and in various hidden ways, has already begun.

Faced with such a situation which jeopardizes its national interests, Albania has made it clear to the Serbian authorities and to the international community that it will not remain indifferent.

Under these very grave circumstances, the Albanian Government asks the Security Council to take urgent and effective measures, such as the deployment of United Nations troops in Kosova, and all other measures which it deems necessary, timely to prevent the war in Kosova and ethnic cleansing there, with a view to avoiding unpredictable consequences.

I should be grateful, Mr. President, if you would have this letter circulated as a document of the Security Council.

(Signed) Thanas SHKURTI
Permanent Representative of Albania
to the United Nations

**Letter dated 26 April 1993 from the representative of
Bosnia and Herzegovina to the President of the
Security Council**

[Original: English]
[26 April 1993]

I have the honour to transmit to you herewith the Joint Statement by Mr. Alija Izetbegović, President of the Presidency, and Mr. Mate Boban, Member of Parliament, of 25 April 1993 and the annex to the Joint Statement.

The Joint Statement concerns the implementation of the Vance/Owen plan, the establishment of joint command between the Army of Bosnia and Herzegovina (ABiH) and the Croatian Defense Council (HVO), and the declaration regarding the recent conflicts between ABiH and HVO.

May I ask for your kind assistance in circulating this letter and the Joint Statement as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative
of Bosnia and Herzegovina
to the United Nations

**TEXT OF THE JOINT STATEMENT AND THE
ANNEX THERETO**

[Same texts as in document S/25659 above.]

**Letter dated 25 April 1993 from the representative of
Azerbaijan to the President of the Security Council**

[Original: English]
[26 April 1993]

I have the honour to transmit herewith a letter dated 25 April 1993 from the Minister for Foreign Affairs of Azerbaijan to the President of the Security Council.

I would highly appreciate this if the letter could be circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Permanent Representative
of Azerbaijan
to the United Nations

LETTER DATED 25 APRIL 1993 FROM THE
MINISTER FOR FOREIGN AFFAIRS OF AZERBAIJAN
TO THE PRESIDENT OF THE SECURITY COUNCIL

[Original: Russian]

I have the honour to inform you that the leaders of the Azerbaijani Republic and the entire Azerbaijani people are anxiously waiting for the adoption by the Security Council of a resolution condemning the aggression of the Republic of Armenia against Azerbaijan and demanding the withdrawal of Armenian armed formations from the recently occupied territories of my country. The urgent adoption of such a resolution would serve as a guarantee for the withdrawal of the Armenian armed formations from the occupied territories of Azerbaijan and would prevent the repetition of similar aggressive actions in the future, which, in its turn, would provide the conditions for the continuation of the negotiating process under the auspices of the Conference on Security and Cooperation in Europe (CSCE) within the framework of its Minsk Group.

As you know, the latest meeting of the "five-plus-one" group at Geneva was broken off following the occupation by Armenian armed formations of the Kelbadjar district of the Azerbaijani Republic. At that same meeting, the view was stated that negotiations could be resumed only after the liberation of those occupied territories. It is common knowledge, however, that this was followed by massive attacks mounted by the Armenian forces against the Fizuli district of Azerbaijan, with the clear aim of seizing the district, as well as against many other north-western and south-western districts of Azerbaijan.

The position of the Azerbaijani Republic is as follows.

There can be no alternative to the peaceful settlement of the Armenian-Azerbaijani conflict. At present, the resumption of the negotiating process under the auspices of CSCE depends on the resolution of the question of the liberation of the territories of Azerbaijan recently seized by Armenian armed formations, in other words, on the restoration of the status quo as at 25 March 1993 (the date on which the Geneva consultations of the "five-plus-one" group ended). Only after the liberation of the above-mentioned territories are we prepared to sit down at the negotiating table within the framework of the CSCE Minsk Group and of the "five-plus-one" group.

We consider that the adoption of a resolution by the Security Council on this issue would be a reliable guarantee of the liberation of these territories of Azerbaijan.

Once again, we urgently appeal to you and to the members of the Security Council on behalf of the leaders of the Azerbaijani Republic to convene a meeting of the Council as soon as possible to adopt a resolution on this issue.

As far as the negotiating process commenced on the proposal of the President of the Russian Federation, Mr. B. Yeltsin, and the cease-fire agreements and other agreements supposedly reached during these negotiations are concerned,

the effectiveness of unilateral mediation by the Russian Federation outside the context of CSCE is doubtful, since, in December 1991 the Russian Federation and Armenia concluded an agreement on friendship, cooperation and mutual security, which contains three paragraphs on military assistance. At the same time, as members of the Commonwealth of Independent States, the Russian Federation and Armenia are part of the collective security system of the countries of the Commonwealth.

We wish to point out once again that the Azerbaijani side is not prepared to exchange the peaceful negotiating process under the auspices of CSCE for the mediatory efforts of individual States. Unilateral mediatory efforts by individual States are useful, but only at the level of unofficial meetings to bring closer the positions of the sides so that those matters can subsequently serve as the basis for negotiations within the framework of the CSCE Minsk Group.

The meetings which have taken place recently through the mediation of the Russian Federation should be viewed from this perspective, as attempts to bring closer together the positions of the Azerbaijani and Armenian sides, attempts which, unfortunately, have so far not proved successful.

At all the meetings, and at Sochi, Moscow and Ankara, the two sides stated their positions with regard to the resolution of the problem, but those positions did not become any closer. In all cases, the Azerbaijani side made the liberation of the recently occupied Azerbaijani territories and the return to the status quo as of 25 March 1993 a condition for continuing the talks within the framework of the Minsk Group of CSCE. The Armenian side did not accept these conditions.

Only during the Moscow meeting was an attempt made to discuss a draft agreement, but that, too, proved unsuccessful since the draft document contained a number of conditions, included at the insistence of the Armenian side, which were completely unacceptable to Azerbaijan.

Reports stating that an agreement had been reached between the Presidents of Azerbaijan and Armenia during their meeting at Ankara are unfounded. Indeed, during the course of the meeting, both Presidents expressed a desire to put a stop to the bloodshed and the view that it was essential to continue the search for a solution to the problem within the framework of the peaceful process being conducted under the auspices of CSCE. In that connection, the President of Azerbaijan made the immediate and unconditional withdrawal of Armenian armed formations from the recently occupied territories of Azerbaijan, in accordance with the statement by the President of the Security Council of 6 April 1993, a condition which would permit the continuation of the negotiating process. The President of Armenia, on the other hand, once again stated that the Republic of Armenia was not participating in the occupation of the Azerbaijani territories. This uncooperative position left no possibility for any substantive talks whatsoever.

Attempts to present the statement of views as the beginning of a process of drawing the positions of the sides closer together has only one goal - to prevent the Security Council from adopting an appropriate resolution on the matter and to gain time and thereby legalize the latest seizure of the Kelbadjar district of Azerbaijan, as has virtually occurred in the case of the previously occupied territories of Azerbaijan.

As for reports that agreement had been reached on a cease-fire, this agreement was reached only for a fixed short period of time and applied only to a limited area of operations - along the route followed by the CSCE group. At the present time, the cease-fire agreement is being violated by the Armenian side and many districts of Azerbaijan are currently being subjected to massive artillery and missile bombardment.

Thus, contacts between the two sides, both at Geneva and in Moscow, at Sochi and at Ankara, have demonstrated quite clearly that the Armenian side is disregarding the demand that it withdraw its forces from the territory of the Kelbadjar district of Azerbaijan contained in the statement by the President of the Security Council of 6 April 1993. This has led us to conclude that the only way to influence the Armenian side may be the adoption of an appropriate resolution by the Council. In this connection, the Azerbaijani Republic, true to the principle of the peaceful settlement of disputes, appeals to the Council to take the necessary measures in accordance with the Charter of the United Nations.

I have the honour, on behalf of the leaders of the Azerbaijani Republic, to appeal to you and to the members of the Security Council, in the light of the foregoing, to convene an urgent meeting of the Security Council to consider the question of the adoption by the Council of a resolution condemning the aggression against Azerbaijan and thus open the only way for the continuation of the peaceful negotiating process within the framework of CSCE.

I take this opportunity to convey to you the assurances of my highest consideration.

*(Signed) Tofik GASSYMOV
Minister for Foreign Affairs
of the Azerbaijani Republic*

DOCUMENT S/25665*

Letter dated 26 April 1993 from the representative of Norway to the Secretary-General

*[Original: English]
[26 April 1993]*

I have the honour to transmit to you herewith the text of the statement issued on 14 April 1993 by the Ministry of Foreign Affairs of Norway in connection with the decision of the Government of the Democratic People's Republic of

Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

*(Signed) Martin HUSLID
Permanent Representative
of Norway to the United Nations*

TEXT OF THE STATEMENT

Norway is deeply concerned by the non-acceptance by the Democratic People's Republic of Korea of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and its decision to withdraw from the Treaty. It would be in the interest of the Democratic People's Republic of Korea to remain a Party to NPT and to adhere fully to its obligations. The Democratic People's Republic of Korea must also permit the International Atomic Energy Agency to inspect its nuclear facilities.

Norway fully endorses the declaration made by the United States of America, the Russian Federation and the United Kingdom of Great Britain and Northern Ireland, which are the depositaries of the Treaty, calling upon the Democratic People's Republic of Korea to reverse its decision to withdraw from the NPT [S/25515]. The decision of the Democratic People's Republic of Korea constitutes a serious threat to regional and international stability.

Norway has, on several occasions, both bilaterally and at the United Nations, urged the Democratic People's Republic of Korea to reverse its decision and to adhere fully to its obligations under the Non-Proliferation Treaty.

DOCUMENT S/25667

Letter dated 26 April 1993 from the representative of New Zealand to the Secretary-General

*[Original: English]
[26 April 1993]*

I have the honour to refer to the statement of the Security Council adopted on 31 March 1993 [S/25493] concerning your report entitled "An agenda for peace: preventive diplomacy, peacemaking and peace-keeping" and the issue of the safety and security of United Nations forces and personnel. You will recall that in that statement the Council requested you to report as soon as possible on existing arrangements for the protection of United Nations forces and personnel, and the adequacy thereof, taking into account relevant multilateral instruments and status-of-forces agreements concluded between the United Nations and host countries, as well as comments you may receive from Member States, and to make such recommendations as you

* Circulated under the double symbol A/48/157-S/25665.

consider appropriate for enhancing the safety and security of United Nations forces and personnel.

I have the honour to enclose the comments of the Government of New Zealand for consideration in connection with the above report.

I will also be providing the enclosed paper as New Zealand's observations and suggestions submitted in accordance with paragraph 60 of General Assembly resolution 47/71 entitled "Comprehensive review of the whole question of peace-keeping operations in all their aspects", for consideration by the Special Committee on Peace-keeping Operations at its current session.

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(Signed) J. W. McKINNON
*Chargé d'affaires a.i. of the
Permanent Mission of New Zealand
to the United Nations*

ANNEX

Security and safety of United Nations forces and personnel

Background

1. The Secretary-General, in his report entitled "An agenda for peace" [S/24111], indicated that there had been "an unconscionable increase in the number of fatalities" amongst United Nations personnel engaged in peace-keeping. He identified a "pressing need to afford adequate protection to United Nations personnel" and called on the Security Council to "gravely consider what action should be taken towards those who put United Nations personnel in danger".

2. In its resolution 47/72, the General Assembly requested the Special Committee on Peace-keeping Operations to study measures to ensure the safety of peace-keeping and other United Nations personnel.

3. Responding to the Secretary-General's request, the Security Council took up the question of measures for the protection of United Nations personnel in March 1993. The Council, in a presidential statement on 31 March 1993 [S/25493]:

(a) Indicated that attacks and other acts of violence, whether actual or threatened, including obstruction or detention of persons, against United Nations forces and personnel were wholly unacceptable;

(b) Demanded that States and other parties to various conflicts take all possible steps to ensure the protection of United Nations forces and personnel;

(c) Demanded that States act promptly and effectively to deter, prosecute and punish all those responsible for attacks and other acts of violence against United Nations forces and personnel;

(d) Recognized that particular difficulties and dangers arose where United Nations forces and personnel were deployed in

situations where the State or States concerned were unable or unwilling to exercise jurisdiction in order to protect such forces;

(e) Indicated that attacks on United Nations forces and personnel might require the Council to take further measures to ensure the safety and security of United Nations forces and personnel;

(f) Requested the Secretary-General to report on measures for improving the protection of United Nations forces and personnel and invited Member States to contribute comments to the Secretary-General to assist in the preparation of his report.

Comments of the Government of New Zealand

4. The following comments by New Zealand are submitted pursuant to the invitation to assist the Secretary-General contained in document S/25493.

5. They are also circulated for the assistance of members of the Special Committee on Peace-keeping Operations to contribute to discussion of the Committee's mandate under General Assembly resolution 47/72.

Comments on existing arrangements for protection and safety

6. United Nations forces and personnel are normally deployed following the conclusion of a standard status-of-forces agreement between the United Nations and the State or States concerned. (The text of the model status-of-forces agreement is set out in document A/45/594.) These status-of-forces agreements draw on the 1946 Convention on the Privileges and Immunities of the United Nations.⁸ The 1947 Convention on the Privileges and Immunities of the Specialized Agencies⁹ is also applicable to certain personnel associated with peace-keeping operations. The Charter of the United Nations itself is also relevant, including Article 105.

7. The current legal framework for the protection of United Nations peace-keeping personnel is therefore a complex web of obligations set out in bilateral and multilateral agreements and customary rules of international law. From an examination of these bilateral and multilateral instruments the following general conclusions can be drawn:

(a) Existing obligations confer responsibility on States in all cases involving United Nations forces and personnel to ensure the prosecution of persons subject to their jurisdiction who are accused of acts of violence to or obstruction of United Nations forces and personnel;

(b) United Nations forces and personnel are in all cases accorded special international status;

(c) Members of United Nations forces and United Nations personnel are, in certain limited cases, accorded the status of internationally protected persons and are thereby covered by the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons;¹⁰

(d) There are anomalies, inconsistencies and gaps in the legal framework;

(e) The obligations do not exist in a single coherent and up-to-date document.

General responsibility upon States under international law

8. The anomalies and inadequacies of current legal instruments create a serious risk that those who seek to frustrate United Nations peace-keeping operations will believe they can act with impunity and if challenged, may try to cast doubt on the existence of applicable norms of international law.

9. As the above analysis indicates, the basic principle of State responsibility under international law for the safety and security of United Nations forces and personnel is clearly established, although there are variations in the scope of this norm.

10. It is the view of the New Zealand Government that, in addition to the specific treaty-based obligations that exist in international law, there also already exist in international law parallel norms of customary international law. These oblige all States in whose territory peace-keeping forces are deployed to ensure that United Nations forces and personnel are not obstructed in carrying out their Security Council mandate. Violence and the use of force against United Nations forces and personnel would be the clearest and most graphic example of a violation of these norms and must therefore be considered as also prescribed under customary international law.

11. The view of the New Zealand Government is based not only on the existence of a network of principles and obligations contained in current multilateral and bilateral treaty instruments, but also in the practice of the United Nations, as evidenced in resolutions of the General Assembly and specific demands by the Security Council, and the practice of Member States. It is founded also on the proposition that all States Members of the United Nations undertook, in Article 25 of the Charter, to carry out in good faith the decisions of the Security Council. Where the Security Council takes action or adopts measures involving the deployment of a peace-keeping force, a mandate is established. Attempts to frustrate, delay or obstruct such a mandate, including by the use of force against United Nations personnel are inconsistent with good-faith performance of the obligations undertaken in Article 25 and in some cases, Article 49 of the Charter.

12. In summary, New Zealand believes that the relevant principles and obligations in customary international law can be stated as follows:

(a) States are obliged to take the necessary measures to ensure that Security Council mandates are not obstructed or frustrated and, in particular that United Nations personnel operating pursuant to mandates are not subject to obstruction, detention or the use of force;

(b) The use of force against United Nations personnel engages international legal responsibility and constitutes a violation of obligations owed collectively to all Member States and to the United Nations itself;

(c) States' obligations extend to taking action promptly to deter, prosecute and punish all those responsible for the use of force against United Nations personnel.

Situations where States are unable to exercise responsibility

13. The Security Council has established mandates for peace-keeping and peace enforcement in an increasing number of situations where the traditional assumptions about peace-keeping no longer apply. Thus, in Somalia there is no functioning Government

to assume bilateral responsibilities under a status-of-forces agreement or discharge obligations under international law. In other cases one or more of the parties to the conflict which has given rise to the United Nations deployment are not States or recognized entities capable of entering into treaty relations or assuming responsibilities under international law. In such cases the international community may not reasonably be able to expect a State to assume responsibility for the actions of such entities.

14. Where a Government is unable to carry out obligations to protect United Nations personnel, for example where it has lost control of a part of its territory or, in extreme cases, where there is no Government, the Security Council is faced with responding, in an ad hoc way, to attacks on United Nations personnel. But recent examples (resolution 804 (1993) on Angola and resolution 792 (1992) on Cambodia) indicate the limited options at the Council's disposal. As the General Assembly recognized in its resolution 47/72 the Security Council may be faced with situations where its only option is to exercise enforcement powers under Chapter VII of the Charter - to take sanctions or use force in appropriate cases where safety is threatened by provocative action.

15. In essence the current situation leaves the United Nations, when confronted with attacks on its forces or personnel, with the difficult choice of either allowing its mandate to be frustrated or escalating the level of measures. Confronted with a situation in which there is no local legal system to detain, try and punish offenders, United Nations forces on the ground will need to resort to increasingly robust rules of engagement.

The case for individual responsibility

16. The view of the New Zealand Government is that the case for holding personally responsible those who violate obligations regarding the safety of United Nations forces and personnel is compelling. There is a very strong parallel with the "grave breaches" concept in international humanitarian law. The Geneva Conventions of 1949¹¹ establish the principle of individual criminal responsibility, subject to universal jurisdiction, for offences in a conflict situation against civilians and military forces that are for various reasons no longer combatants. This can include wounded, prisoners and medical personnel.

17. The situation of United Nations peace-keeping and related personnel has many similarities. But United Nations forces and personnel are not covered by the Geneva Conventions. Nevertheless United Nations forces are deployed into zones of actual or potential conflict. However, peace-keeping forces are not combatants and the civilian component is certainly never combatant.

18. New Zealand believes that there is every reason for ensuring that international law protecting United Nations forces and personnel is no less effective than international law protecting the soldiers actually engaged in fighting a war. The inclusion in the United Nations legal framework of measures giving United Nations forces and civilian personnel protection equivalent to the "grave breaches regime" should therefore be a high priority.

Action required

19. The view of the New Zealand Government is that action is required at several levels within the United Nations system to enhance the safety and security of United Nations forces and personnel:

(a) A restatement of the United Nations expectations of Member States is urgently required. A clear, concise and coherent

statement of the current rules of international law and the obligations of Member States in a single document should be of significant practical assistance;

(b) Every new mandate approved by the Security Council should contain provisions which draw specific attention to the statement of United Nations expectations regarding the safety and security of United Nations forces and personnel. This could take the form of an annex to the relevant resolution which could be adapted to meet specific situations. Such provisions could also be included in future status-of-forces agreements between the United Nations and host countries;

(c) Further development of the legal framework is also essential. This could include provisions to deal with jurisdiction over persons who violate norms of international law governing the protection of United Nations forces and personnel in circumstances where no State can assume responsibility for detention, trial and punishment of such violations. In such cases, if jurisdiction was able to be exercised internationally, on the basis of individual responsibility, there would be less incentive to use lethal force in the field and less need for the Security Council to consider the graver options of resort to Chapter VII action;

(d) Restructuring in United Nations Headquarters is needed to establish a capability to predict, assess and respond to situations in the field likely to result in threats to United Nations personnel.

Modalities

20. New Zealand proposes that:

(a) A declaration be adopted, if possible jointly or in parallel, by the Security Council and the General Assembly. Such a declaration would constitute the restatement referred to in paragraph 19 above. Desirably the text should be formulated in cooperation between the Special Committee and the Security Council;

(b) A process be established to review and update the legal framework applicable to United Nations forces and personnel bearing in mind the consultations outlined in paragraphs 21 to 23 below;

(c) A Convention should be developed to codify and further develop international law relating to the protection and safety of United Nations forces and personnel dealing in its elaboration with the principle that peace-keepers should be at least as well protected as combatants.

The problem of the non-State party to a conflict

21. Increasingly United Nations forces and personnel are deployed under mandates which require them to "keep the peace" in a situation of armed conflict between a Government and a faction or movement within a State. As discussed above, there are problems in such cases in relying upon treaty-based instruments for the application of rules and norms of international law. Under classical principles of international law entities that are not States are not subjects of international law. It is simplistic simply to rely on multilateral conventions for establishing rules applicable in such conflicts. Almost by definition the entities in question will not be able to become party to such instruments and, in some cases, they may seek to exploit this situation and ignore the applicable principles of international law. The real issue is how jurisdiction may be exercised over such people in situations where States cannot impose territorial jurisdiction.

22. New Zealand believes that it is important therefore that the process of development of United Nations law in the area of protection and safety of United Nations forces and personnel not be limited to the traditional multilateral convention. Innovative processes for the development of international law are called for. In this regard New Zealand notes that the binding legal powers of the Security Council coupled with the moral authority of the General Assembly, if used in cooperation and with determination, offer the possibility, in the special case of peace-keeping forces and personnel, for the creation of very effective norms. Such a process has the potential to overcome the constraints of a purely treaty-based approach.

23. With the above in mind, New Zealand suggests that the declaration which it has proposed be subject to revision and updating in the light of experience and with a view, in particular, to incorporating norms that will be applicable to and enforceable upon all the participants whether States or other entities in conflicts where the United Nations is called upon to keep the peace.

DOCUMENT S/25668

Report of the Secretary-General pursuant to Security Council resolution 820 (1993)

[Original: English]
[26 April 1993]

I. INTRODUCTION

1. In section A, paragraph 8, of its resolution 820 (1993) of 17 April 1993, the Security Council requested the Secretary-General to submit a report to it containing an account of the preparatory work for the implementation of the proposals referred to in paragraph 28 of his report of 26 March 1993 [S/25479] and detailed proposals for the implementation of the peace plan, including arrangements for the effective international control of heavy weapons, based *inter alia* on consultations with Member States, acting nationally or through regional organizations or arrangements.

2. Despite the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in recent weeks and, in particular, the intensive round of talks conducted by Lord Owen from 21 to 25 April 1993, the Bosnian Serbs have not signed the peace plan. It is not, therefore, possible to judge when, or even if, it will be implemented. However, the following report outlines for the information of the Security Council the preparatory activities which the Secretary-General has undertaken in the hope that the peace plan would be accepted by all the parties concerned in Bosnia and Herzegovina.

II. PREPARATIONS FOR MILITARY ARRANGEMENTS

3. The agreement for peace in Bosnia and Herzegovina which is reproduced as annex IV to Security Council document S/25221 includes a wide range of measures requiring the deployment of additional peace-keeping troops in Bosnia and Herzegovina. These measures include the cessation of hostilities throughout Bosnia and Herzegovina, the restoration of infrastructure, the opening of routes, the

separation of forces, the demilitarization of Sarajevo, the monitoring of the borders of Bosnia and Herzegovina, and the return of forces to designated provinces.

4. At a very early stage of the negotiations led by the Co-Chairmen of the Steering Committee of the International Conference on the former Yugoslavia it became obvious that the multitude of tasks envisaged in the peace plan would exceed the planning capability of the Secretariat and that of the United Nations Protection Force (UNPROFOR). At the time, Member States acting in the context of a regional arrangement, the North Atlantic Treaty Organization (NATO), had initiated preliminary studies on the subject. The Secretary-General in a letter dated 11 December 1992 invited the Secretary-General of NATO to share any relevant information on these preliminary studies with the United Nations. Since then, NATO delegations have visited Headquarters in New York on 3 and 29 March and 7 April 1993, for informal exchanges of views with the Department of Peace-keeping Operations. In addition, NATO military teams visited UNPROFOR at Zagreb to explore operational requirements should NATO be invited to plan for the implementation of the peace plan for Bosnia and Herzegovina.

5. In the context of these consultations, a broad operational concept has emerged, the details of which would be subject to further planning and, in particular, to approval by the Security Council and the Member States concerned. The implementation would involve a United Nations operation conducted under the authority of the Council and financed collectively by Member State under the peace-keeping scale of assessments. The United Nations would have overall political and strategic control which would be exercised by the Secretary-General under the authority of the Council.

6. The NATO interlocutors indicated that NATO would be willing to consider a formal request to undertake detailed planning for the implementation of the plan, including ground reconnaissance and related activities. If requested, they would also consider making available a core headquarters structure into which other potential troop contributors could be incorporated. On the basis of preliminary studies, they estimated that some 60,000 to 75,000 troops would be required for the implementation of the various military tasks envisaged in the peace plan.

7. The withdrawal of heavy weapons is part of the agreement on cessation of hostilities annexed to the Agreement for Peace in Bosnia and Herzegovina. In a letter dated 2 March addressed to the Co-Chairmen, the then Force Commander of UNPROFOR, General Satish Nambiar, said that once substantial numbers of additional troops arrived in Bosnia and Herzegovina, it would be possible to deal fully with the concerns of both the Bosnian Government and the Bosnian Serbs. He considered that, with sufficient numbers of troops, physical control of heavy weapons could be undertaken, thus meeting the concerns of the Bosnian Government, and that there could then be adequate deployment of ground troops and observers to ensure

physical separation of the opposing forces, which would meet one of the concerns of the Bosnian Serbs [S/25403, para. 10]. The matter was raised in the informal talks with the representatives of NATO and, accordingly, would be given the appropriate attention in the final deployment plan and concept of operations for the implementation of the peace plan.

III. PREPARATIONS FOR CIVILIAN ARRANGEMENTS

8. The principal civilian tasks envisaged in the peace plan include

- the restoration of law, order and civil authority throughout Bosnia and Herzegovina in conformity with the nine constitutional principles;
- the preparation of a constitution in accordance with the nine principles;
- the resolution of problems concerning provincial borders, and related political issues;
- the preparation of internationally supervised, free and fair elections to be held for the central government as well as the provincial governments;
- the provision of arrangements for the highest level of internationally recognized human rights through domestic and international mechanisms;
- the reversal of "ethnic cleansing" and the establishment of conditions in which those refugees and displaced persons who wish to return to their homes may do so;
- the provision of humanitarian aid and appropriate levels of relief and rehabilitation assistance.

9. The majority of these tasks will require close coordination and cooperation between the military and civilian components of the operation not only in terms of their respective mandates but also in terms of logistical and administrative arrangements. This coordination would be exercised by an official appointed by the Secretary-General.

10. The tasks foreseen in the peace plan would require expertise in restoration and maintenance of civil law and order; in civil mediation and reconciliation; in the human rights and humanitarian fields; in legal and constitutional matters; in planning, organizing and supervision of elections; in establishing and maintaining close relations with the central government and the provincial governments; and in civil reconstruction projects. While a number of these tasks could be handled by an extensive, well trained and qualified United Nations Civil Police contingent, additional expertise in human rights and election monitoring, legal, administrative and even civil engineering matters would be required. Moreover, the importance of an effective public information programme cannot be over-emphasized. The successful implementation of the peace plan would, to a large extent, depend on the ability to reach out to the people of Bosnia

On the morning of 8 April 1993 at approximately 0745 hours, a United Nations Volunteer of Japanese nationality in the UNTAC Electoral Component and his Cambodian interpreter were detained by armed and uniformed men as they were travelling by car in Prasat Sambo District, Kompong Thom Province. They were shot and died of their wounds. UNTAC has not been able to determine responsibility for this act, which took place in an area contested by the forces of different factions, and investigations are proceeding on an urgent basis.

On 19 April 1993 at approximately 0230 hours, the UNTAC District headquarters in Oaral District, Kompong Speu Province, came under attack. The office is in the vicinity of a CPAF camp. An Indonesian Civilian Police monitor who, together with four Bulgarian soldiers, was in the District headquarters at the time radioed for assistance and a Fast Response Team was dispatched from a nearby Bulgarian company position to the scene. This consisted of an armoured personnel carrier (APC) with seven soldiers.

When the APC was approximately 1.5 kilometres from the District headquarters, it came under fire from both sides. One anti-tank grenade hit the vehicle from the right side and penetrated the armour. One Bulgarian soldier was killed instantly and five others were wounded, one of them seriously.

The attackers ransacked, looted and caused serious damage to the UNTAC District Office, and the nearby District Civil Administration Office also came under attack. In addition, the attackers, who were said to number about 100, destroyed a total of seven buildings belonging to local people. In the course of the attack on the UNTAC office, an Indonesian Civilian Police monitor and a Cambodian interpreter were also injured.

Preliminary investigations by UNTAC indicate that members of NADK were responsible for the attack. In view of the fact that the UNTAC offices were located adjacent to a CPAF camp and that non-UNTAC buildings were also destroyed in the attack, it cannot be concluded that UNTAC was the target, or at least the sole target of the attack.

(Signed) Boutros BOUTROS-GHALI

DOCUMENT S/25670

**Letter dated 27 April 1993 from the representative of
Bosnia and Herzegovina to the President of the
Security Council**

*[Original: English]
[27 April 1993]*

Despite Security Council resolution 819 (1993) and the presence of 150 United Nations Protection Force (UNPROFOR) troops, Serb paramilitary units are rapidly advancing on Srebrenica, supplemented by intense barrages of heavy artillery. These resumed attacks put Srebrenica's civilian population in grave danger of expulsion and extermination.

The mandate under which UNPROFOR now operates at Srebrenica handicaps UNPROFOR in carrying out its mission, namely protecting the town's 60,000 civilian inhabitants. The current Serbian offensive further makes this task all but impossible.

Recalling the primary responsibility of the Security Council, under the Charter of the United Nations for the maintenance of international peace and security and believing that the Council has a commitment to enforce its resolutions and further believing that the Council does not exclude Srebrenica's 60,000 civilians from the realm of these responsibilities, the Presidency of the Republic of Bosnia and Herzegovina requests that the Council expand UNPROFOR's mandate at Srebrenica so that it may successfully carry out the mission entrusted to it by the Council.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
*Permanent Representative of Bosnia
and Herzegovina
to the United Nations*

DOCUMENT S/25671

**Letter dated 27 April 1993 from the representative of
Turkey to the President of the Security Council**

*[Original: English]
[27 April 1993]*

On instructions from my Government, I have the honour to respond to the letter dated 17 April 1993 addressed to you by the Permanent Representative of Armenia to the United Nations [S/25626] which contains allegations and distortions in connection with Turkey's position *vis-à-vis* the conflict between Armenia and Azerbaijan.

In his letter, the Permanent Representative of Armenia refers to "unfriendly statements by Turkish leaders". He should have qualified these statements as "friendly" since in their statements Turkish leaders have not but urged Armenia to stop aggression against its neighbour Azerbaijan, to withdraw from the Azerbaijani territories it occupied, to respect its commitments under the Charter of the United Nations and CSCE [*Conference on Security and Cooperation in Europe*] principles, and invited Armenia to contribute to peace and stability in the region which, in the opinion of the Turkish Government, will be to the benefit of the Armenian people who recently gained their independence.

The information given by "Radio of Russia" with reference to the Turkish newspaper *Hurriyet* in connection with alleged shipment of weapons to Azerbaijan, as well as allegations concerning transportation from Turkey of servicemen disguised as civilians to Nakhichevan are totally unfounded and deliberately fabricated by the Armenian authorities in order to divert the attention of the entire world from their aggressive policy.

In his letter the Permanent Representative of Armenia also questions the fate of 500 Armenian tourists and alleges that they have been prevented from boarding a train going back to Armenia. If he had checked the validity of this information with his authorities, he would have known that the tourist group was safely back home.

Turkey expects Armenia to put an end to the aggression and withdraw from the Azerbaijani territories it occupies. We call on the Armenian Government to respect its international commitments and clear the way to a political settlement of the existing issues between Armenia and Azerbaijan. When and if these expectations materialize Turkey would be ready to resume good neighbourly relations with Armenia which would greatly contribute to its integration with the international community.

I should be grateful if this letter is circulated as a document of the Security Council.

*(Signed) Inal BATU
Permanent Representative of Turkey
to the United Nations*

DOCUMENT S/25672

Letter dated 27 April 1993 from the representative of Albania to the President of the Security Council

*[Original: English]
[27 April 1993]*

I have the honour to attach herewith the letter that Mr. Alfred Serreqi, Minister for Foreign Affairs of the Republic of Albania, addressed to you in relation with the grave situation in the northern border of Albania, and in Kosova.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Thanas SHKURTI
Permanent Representative of Albania
to the United Nations*

LETTER FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE REPUBLIC OF ALBANIA TO THE PRESIDENT OF THE SECURITY COUNCIL

Allow me to express to you, through this letter, the deep concern of the Albanian Government about the extraordinary situation created by the Serb military forces in the north border with the Republic of Albania.

On 25 April 1993, in the time interval between 2030 and 2130 hours, in two border zones, near the region border sign D-11, in Morine-Kukes, and in the border region

C-2/10, Padesh-Tropoje, the Serb forces opened fire and killed the Albanian citizens Bohar Aden Hafizi (23), Ethem Toti Sylja (24), Morsin Hysen Sylja (24), Hysen Asllan Sylja (31), Monsur Skender Sylja (17), Astrit Dyrnishi (20) - all of them residents of the Albanian villages near the border. On 26 April 1993, in the same border area were also killed two other Albanian citizens, not yet identified.

Verification and expertise confirm that the military Serb forces shot with fire arms the Albanian citizens within close range, without warning. The number of victims killed in this manner in that border only this year is 12 (twelve) people.

These repeated and intentional acts have arisen a deep indignation among Albanians on both sides of the border. At the same time, they represent a dangerous prerogative, which might heighten the tension and breach the peace in this region.

Our concern about these tragic events becomes even greater if we have in mind the concentration of military Serb forces in the border regions, and especially the inclusion of the paramilitary forces to guard the border with Albania. After a series of such killings now it can't be spoken anymore of sporadic border incidents, but of provocative actions, which have dangerous intentions.

Being aware of the very tense situation created by the Yugoslav crises, especially the war in Bosnia and Herzegovina, as well as the situation in Kosova, the Republic of Albania is trying continuously to make its contribution to prevent the escalation of the conflict in the south. The Albanian Government has demonstrated very clearly that it stands for stability and peace in our region. It has supported politically and is seriously committed to the implementation of resolutions of the Security Council related to Yugoslav crises.

But with regret we note that the universal principles of human rights and those which regulate the relations between neighbouring States are brutally and openly violated by the Serb authorities. Such violations, as it seems, intend to provoke unnecessary conflicts in the territories inhabited by Albanians on both sides of the border, and probably further than that.

The Government of the Republic of Albania asks the Security Council to pay the due attention to these acts of the Belgrade authorities, and by denouncing them, take the necessary preventive measures. Consequences which derive by such an unreasonable conduct might create a dangerous situation for the region.

Hoping that our concern will meet the understanding of the Security Council over which you preside.

(Signed) Alfred SERREQI

DOCUMENT S/25677

Letter dated 26 April 1993 from the representative of Iraq to the Secretary-General

[Original: Arabic]
[27 April 1993]

On instructions from my Government and with reference to the letter from the representative of the Kuwaiti regime [S/25618], I have the honour to draw attention to the report of the Secretary-General on the activities of the United Nations Iraq-Kuwait Observation Mission for the period 1 October 1992 to 31 March 1993 [S/25514], which is the same report as the one referred to by the representative of the Kuwaiti regime in his above-mentioned letter. This report states quite categorically that the number of Kuwaiti violations during the above-mentioned period totalled 35, as against 11 violations recorded on the Iraqi side.

In the previous report of the Secretary-General [S/24615], which covers the period 1 April to 30 September 1992, 39 violations are recorded on the Kuwaiti side, as against 5 violations on the Iraqi side.

In the report of the Secretary-General prior to that [S/23766], which covers the period 3 October 1991 to 31 March 1992, 100 violations are recorded on the Kuwaiti side, as against 4 violations on the Iraqi side. Thus we see that the total violations of the cease-fire provisions and of the demilitarized zone committed by the Kuwaiti regime during the period 3 October 1991 to 31 March 1993 amounted to 174, as against 20 violations recorded on the Iraqi side.

In face of the above, can the Kuwaiti representative deny those flagrant violations documented in the reports of the Secretary-General, in the same devious way as he denies that his regime committed violations of the cease-fire provisions in his above-mentioned letter?

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

DOCUMENT S/25681

Letter dated 28 April 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[28 April 1993]

Under instructions from the Presidency of the Republic of Bosnia and Herzegovina, I wish to inform you that Serb and Montenegrin aggressors and their proxies inside the country have mounted a new ground and heavy artillery offensive in

three critical areas, with the objective of consolidating their gains across northern and eastern Bosnia, and linking those areas to Serbia.

The region of Cazin, in north-western Bosnia, has been under heaviest attack yesterday and today. The heaviest casualties were reported in the town of Bihac. All reported fatal casualties were civilians. The Security Council should take special note that the attacks in this region originated from occupied territories in Croatia, under UNPROFOR [United Nations Protection Force] control.

The aggressors have again renewed their attacks in the Posavina region, particularly on the city of Gradacac. The city's 56,000 pre-war residents, and many more refugees, now seem to be facing the same fate as the residents of Srebrenica. The city falls inside the critical northern corridor, linking aggressor-held areas in north-western and eastern parts of the country.

The renewed attacks have also begun on the three remaining large population centres in eastern Bosnia: Srebrenica, Zepa and Gorazde. These attacks threaten at least 101,000 civilian lives, based on pre-war population figures.

May I ask for your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Ivan Z. MISIC
Deputy Permanent Representative of Bosnia
and Herzegovina to the United Nations

DOCUMENT S/25682

Letter dated 28 April 1993 from the representative of Ukraine to the President of the Security Council

[Original: English]
[28 April 1993]

On 23 March 1993, the Minister for Foreign Affairs of Ukraine delivered a letter from the President of Ukraine to the Secretary-General concerning special economic problems arising from implementing mandatory sanctions established by Security Council resolutions 757 (1992) and 787 (1992), which was brought to the attention of the members of the Council.

On 19 April 1993, I had the honour to transmit to you, in accordance with Article 50 of the Charter of the United Nations, the text of the letter of the Minister for Foreign Affairs of Ukraine on this issue, circulated as a document of the Council [S/25630]. Furthermore, the Secretary-General, on my request, circulated as document S/25636 the text of the Appeal by the employees of the Danube Shipping Company in connection with the grave economic problems arising from carrying out by Ukraine of the Security Council sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

It would be greatly appreciated if the attention of the members of the Security Council is once again drawn to the above-mentioned documents and the Government of Ukraine is informed of any measures the Council might be willing to take to mitigate the negative consequences of the sanctions against the Federal Republic of Yugoslavia for the neighbouring States, including Ukraine, especially after the adoption of Council resolution 820 (1993).

(Signed) Victor H. BATIOUK
*Permanent Representative of Ukraine
to the United Nations*

DOCUMENT S/25683

Letter dated 22 June 1992 from the representative of Hungary to the President of the Security Council*

[Original: English]
[28 April 1993]

Upon instructions from my Government, I have the honour to communicate the following:

The Security Council, in its resolution 757 (1992), decided on a wide range of measures against Serbia and Montenegro. Being aware of its obligations under the Charter of the United Nations, the Republic of Hungary is fully committed to implement the above-mentioned resolution.

As a neighbouring country and a State Member of the United Nations directly affected, the Republic of Hungary, however, finds itself confronted with special economic problems arising from the carrying out of the measures set out in Security Council resolution 757 (1992).

Therefore, invoking Article 50 of the Charter of the United Nations, the Government of the Republic of Hungary wishes to consult the Security Council with regard to a solution of these problems.

I would appreciate if you could kindly inform the members of the Security Council about the aforementioned intention of my Government.

(Signed) André ERDOS
*Permanent Representative of Hungary
to the United Nations*

DOCUMENT S/25684

Letter dated 27 April 1993 from the representative of Azerbaijan to the President of the Security Council

[Original: Russian]
[28 April 1993]

I have the honour to inform you that the demand set forth in the statement by the President of the Security Council of 6

April 1993 calling for the immediate withdrawal of Armenian armed units from the Kelbadjar district of the Azerbaijani Republic is still being ignored by the Armenian side.

Furthermore, according to reports from the Ministry of Defence of Azerbaijan, helicopters are continuing to transport personnel, weapons and ammunition from Armenia to Kelbadjar. Valuable objects belonging to the Azerbaijani Republic and its citizens are being shipped out on return flights from populated areas in occupied Azerbaijani territory. At the same time, the Armenian armed forces are continuing engineering work aimed at strengthening their positions in the Kelbadjar district.

The mass information media in Armenia are conducting a propaganda campaign attempting to establish a basis for the "age-old affiliation of Kelbadjar with Armenia".

These and many other facts demonstrate that the Armenian armed units are not preparing to leave the territory of the Azerbaijani Republic occupied during recent fighting.

Under these conditions, we believe that only the adoption by the Security Council of a resolution demanding the immediate withdrawal of Armenian occupation troops from the Kelbadjar district and its unconditional implementation by all sides could constitute the first real steps towards resumption of the negotiation process on a peaceful settlement of the Armenian-Azerbaijani conflict.

I should be grateful if you would arrange for the circulation of this letter as a document of the Security Council.

(Signed) Hassan A. HASSANOV
*Permanent Representative of Azerbaijan
to the United Nations*

DOCUMENT S/25685

Letter dated 28 April 1993 from the representative of Azerbaijan to the President of the Security Council

[Original: Russian]
[28 April 1993]

I have the honour to inform you that, according to information received from the Ministry of Defence of Azerbaijan, following the departure from the zone of military operations of the technical observer group of the Conference on Security and Cooperation in Europe, headed by Lieutenant-Colonel H. Hepponen, Armenian armed forces significantly intensified their attacks in many sectors deep inside Azerbaijani territory.

In particular, the military operations of the Armenian armed forces have been significantly intensified in the Kelbadjar-Khanlar and Kelbadjar-Gyulyustan sectors. As we reported earlier, a few days ago the settlement of Gyulyustan was captured by Armenian armed formations. At present, Armenian units are consolidating the positions they have captured, transferring personnel, weapons and military

*Issued and circulated at the request of the Permanent Representative of Hungary to the United Nations.

supplies from Armenia and constructing engineering and technical installations at a rapid pace, all of which clearly indicates preparations for a further attack in the direction of the Geranboy district of Azerbaijan.

During the night of 28 April 1993, Armenian armed forces began shelling the settlements of Bashkend and Agjikend in the Geranboy district of Azerbaijan from the captured settlement of Gyulyustan.

In the morning of 28 April 1993, following massive artillery preparation, Armenian units launched an attack on the settlements of Galachilar, Elki, Khydyrly and Giyasly in the Agdam district east of Karabakh. As a result of artillery shelling and attacks by Armenian units, some civilians have been killed or wounded. On the same day, in the northern part of the Kelbadjar district, units of the armed forces of Armenia once again launched an attack against the strategic height of Gyuzgyu in the Mrovdag range. The villages of Novosaratovka and Bashkend in the Kedabek district of Azerbaijan were subjected to artillery shelling from the Krasnoselsk district of Armenia.

The artillery and rocket bombardment of settlements in the Zangelan district of Azerbaijan, in the south-western part of the country, from the Kafan district of Armenia is continuing. There has been considerable destruction and some of the civilian population have been killed or wounded.

The foregoing may serve as confirmation that, taking advantage of the fact that the occupation of the Kelbadjar district of Azerbaijan by Armenian armed forces has gone unpunished, those forces are most seriously preparing to broaden their expansion deep inside the territory of Azerbaijan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Hassan HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

DOCUMENT S/25687

Letter dated 29 April 1993 from the representative of Azerbaijan to the President of the Security Council

*[Original: English]
[29 April 1993]*

I have the honour to transmit to you the text of a statement of 29 April 1993 issued by the Ministry of Foreign Affairs of Azerbaijan following the meeting of the Committee of Senior Officials of the Conference on Security and Cooperation in Europe, held at Prague from 25 to 28 April 1993, concerning the situation in the Kelbadjar district of Azerbaijan resulting from the latest round of Armenian aggression.

I should be grateful if you would kindly circulate this statement as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

TEXT OF THE STATEMENT

On 28 April 1993, at Prague, the Committee of Senior Officials of the Conference on Security and Cooperation in Europe ended an emergency meeting, which was held at the request of the Republic of Azerbaijan to consider the situation that has arisen in the Kelbadjar district of Azerbaijan as a result of the most recent Armenian aggression.

The three-day talks have been counterproductive because of the unyielding position of Armenia - the only country participating in the CSCE [*Conference on Security and Cooperation in Europe*] which refused to pass a resolution in the Committee of Senior Officials by consensus.

Consequently, a very important document which was aimed at resolving the current crisis failed to be adopted.

It is evident that Armenia has taken a position that directly opposes the common will of the international community to find a peaceful settlement to the conflict.

The Ministry of Foreign Affairs states that Azerbaijan continues to adhere to and reconfirms its commitment to conflict resolution by peaceful means and requests that the international community, through the United Nations, condemn the Armenian aggression and demand the immediate withdrawal of Armenian forces from recently occupied Azerbaijani territories. This is the only means to restore peace and security in the region.

DOCUMENT S/25688*

Letter dated 29 April 1993 from the representative of Turkey to the Secretary-General

*[Original: English]
[29 April 1993]*

I have the honour to transmit herewith the letter addressed to you by Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and the annex would be circulated as a document of the General Assembly and of the Security Council.

*(Signed) Inal BATU
Permanent Representative of Turkey
to the United Nations*

*Circulated under the double symbol A/47/934-S/25688.

ANNEX

Letter dated 28 April 1993 from Mr. Osman Ertuğ to the Secretary-General

I have the honour to refer to the statement which was made by Mr. A. J. Jacovides, the Greek Cypriot representative, at the meeting of the Special Committee on Peace-keeping Operations on 23 April 1993. Since the Turkish Cypriot side, owing to no fault of its own, is not represented in the Committee, I am compelled to exercise our right of reply in writing.

In his statement, Mr. Jacovides paid lip service to the principles of the Charter of the United Nations and repeated, *ad nauseam*, the unfounded allegations of the Greek Cypriot side against Turkey and the Turkish Cypriot side. I wish to stress at the outset that the administration which he represents, with its past record and present practices, is among the least qualified to talk about violations of the Charter of the United Nations, let alone blame others for doing so.

The architects of the so-called "Akritas Plan", a notorious scheme devised by the Greek Cypriot leadership in the early 1960s and aimed at destroying the Turkish Cypriot component of the bi-national Republic of Cyprus of 1960, both politically and physically, cannot possibly have anything to say about human rights or respect for the high principles of the Charter of the United Nations.

The very title under which the Greek Cypriot representative operates today is an illegitimate one usurped by force of arms in 1963. The Greek Cypriot side has been exploiting this title to the maximum in the propaganda onslaught that it has launched against the Turkish Cypriots, particularly since 1974.

No amount of rhetoric, however, can confuse the issue or cover up the fact that it was the Greek Cypriots who practised the sinister method of "ethnic cleansing" or worse in Cyprus between 1963 and 1974. As a testimony to the severity of that campaign, the British newspaper *The Guardian*, in an article dated 16 February 1993, described the Cyprus of that period as "the mini-Bosnia of its day". (A more detailed reply to the Greek Cypriot allegations on "ethnic cleansing" can be found in document S/24490.) The United Nations Peace-keeping Force in Cyprus was sent to Cyprus in order to protect the Turkish Cypriots against this aggression and not to provide protection for the Greek Cypriot aggressors, as Mr. Jacovides claims.

It was ultimately Turkey's timely and legitimate intervention in 1974 which effectively checked the genocidal attacks of the Greek Cypriots and created a safe haven for the Turkish Cypriots in Northern Cyprus. The use of the term "invasion" for a rescue operation which has liberated us from an 11-year-long ordeal at the hands of the Greeks and Greek Cypriots shows utter contempt for human life on their part. It also demonstrates how far the Greek Cypriots are from identifying the true cause of the Cyprus question, which is their age-old campaign to turn Cyprus into a Greek island, and, therefore, how far they are from reaching a just and viable solution with us.

The above mentality also prevails in the remarks of the Greek Cypriot representative about the border incident of 8 April 1993. It is clear that the Greek Cypriot side prefers to exploit this unfortunate incident for political ends rather than treat it, as it should, in a humane manner. Since the facts on this incident have been amply explained in the annex to document S/25628, I need not repeat them here.

In conclusion, I wish to put on record the Turkish Cypriot side's indignation at the unwarranted exploitation by the Greek Cypriot side, of this occasion as a platform for malicious propaganda, and to state that with every new such instance it only exacerbates the crisis

of confidence that exists between the two peoples of the island, further damaging efforts for a negotiated solution.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly and of the Security Council.

(Signed) Osman ERTUĞ
Representative of the
Turkish Republic of Northern Cyprus

DOCUMENT S/25690

Letter dated 29 April 1993 from the Secretary-General to the President of the Security Council

[Original: English]
[29 April 1993]

I have the honour to refer to the United Nations Angola Verification Mission (UNAVEM II).

The members of the Security Council will recall that by its resolution 804 (1993) of 29 January 1993, the Security Council decided to extend the mandate of UNAVEM II for a period of three months until 30 April 1993, with the proviso that, as a provisional measure based on security considerations, the Secretary-General was authorized to concentrate UNAVEM II deployment at Luanda, and at his discretion in other provincial locations, with the levels of equipment and personnel he deemed appropriate to be retained in order to allow the subsequent expeditious redeployment of UNAVEM II as soon as that became feasible, with a view to the resumption of its functions in accordance with the "Acordos de Paz" and previous resolutions on this matter.

As members of the Security Council are well aware, the Government of Angola and UNITA [*União Nacional para a Independência Total de Angola*] resumed peace talks at Abidjan on 12 April under United Nations auspices and the chairmanship of my Special Representative. In addition to arrangements for a cease-fire, completion of the Bicesse Accords and national reconciliation, the future role of the United Nations in Angola is also one of the items on the agenda of the talks at Abidjan. The talks are continuing and are expected to last beyond 30 April 1993.

In these circumstances, I would recommend that the Security Council extend the existing mandate of UNAVEM II for an interim period of 31 days, that is until 31 May 1993. I hope that at the conclusion of the talks at Abidjan, I shall be in a better position to make appropriate recommendations on the future mandate and strength of UNAVEM II. The current strength of UNAVEM II consists of 75 military observers, 30 police officers and 49 international civilian staff, 12 paramedics and 70 local staff, and corresponds roughly to the option contained in paragraph 30 (b) of my report to the Security Council [S/25140].

I should be grateful if you would bring the contents of this letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

Letter dated 27 April 1993 from the Secretary-General to the President of the Security Council

[Original: English]
[29 April 1993]

I have the honour to refer to the statement by the President of the Security Council dated 17 March 1993 [S/25426] which, *inter alia*, dealt with the bombing of the villages of Gladovici and Osatica in Eastern Bosnia on 13 March 1993.

In that statement, the Council requested that I ensure an investigation was made of the reported possible use of the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) to launch air attacks against the territory of the Republic of Bosnia and Herzegovina.

In a note verbale dated 24 March 1993, the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) was requested to provide any information relevant to the incidents and, in particular, any results of an investigation the Government may have initiated as requested by the Security Council.

The only response received so far has been a note verbale dated 26 March 1993 from the Permanent Mission of the Federal Republic of Yugoslavia (Serbia and Montenegro) conveying a statement by the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). This statement is already available to the Council as document S/25450 of 22 March 1993.

(Signed) Boutros BOUTROS-GHALI

DOCUMENT S/25692***Letter dated 29 April 1993 from the representative of Turkey to the Secretary-General**

[Original: English]
[29 April 1993]

I have the honour to transmit to you herewith the text of the statement issued on 28 April 1993 by the Ministry of Foreign Affairs of Turkey in connection with the attack by two Greek Cypriot gunboats against a Turkish cargo ship sailing in international waters off the coast of southern Cyprus.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly and of the Security Council.

(Signed) Inal BATU
Permanent Representative of Turkey
to the United Nations

On Wednesday, 28 April, at around 9.45 a.m., a Turkish freighter named *Alp-5*, which was carrying cargo to Gazimagosa port in the Turkish Republic of Northern Cyprus while sailing in international waters off the coast of Larnaca, southern Cyprus, was fired upon by Greek Cypriot gunboats and, as a result, its Captain and a crew member were injured.

This hostile act perpetrated by the Greek Cypriot gunboats against our ship in international waters was immediately brought to the attention of the authorities of the United Nations Peace-keeping Force in Cyprus, whereupon the gunboats stopped firing. First-aid treatment has subsequently been given to the wounded on board by doctors who were flown in by helicopter from the British base. The ship continued its course and was expected to arrive at Gazimagosa port at around 6.30 p.m. the same day. It is clear that the interception of and armed assault against a defenceless commercial vessel sailing in the international waters is an act of piracy against all norms of international law, maritime trade and, above all, civilized conduct. The Greek Cypriot side must be aware of the serious consequences that such actions will entail.

This aggressive behaviour is being brought to the attention of the Secretary-General, together with the inevitable response that such acts of piracy are bound to provoke. This is another manifestation and a new example of a mentality which has up to now hindered and prevented the solution of the Cyprus question.

DOCUMENT S/25693**United Kingdom of Great Britain and Northern Ireland: draft resolution**

[Original: English]
[29 April 1993]

The Security Council,

Recalling its resolution 186 (1964) and subsequent relevant resolutions,

Reaffirming that the extension of the mandate of the United Nations Peace-keeping Force in Cyprus should be considered every six months,

Noting the recent communication from the Government of Cyprus to the Secretary-General [S/25647],

Stressing the importance it attaches to the achievement of early progress towards a political settlement in Cyprus, and also to the implementation of confidence-building measures,

Reiterating in particular its call to both sides to cooperate with the Force in order to extend the unmanning agreement of

*Circulated under the double symbol A/47.935-S/25692.

1989 to all areas of the United Nations-controlled buffer zone where the two sides are in close proximity to each other,

Reaffirming that the present status quo is not acceptable, and concerned that the United Nations should not be entering into open-ended peace-keeping commitments,

1. *Welcomes* the report of the Secretary-General on the United Nations operation in Cyprus [S/25492];

2. *Expresses its appreciation* for past voluntary contributions to the Force and for those that have recently been offered for the future;

3. *Decides* that, with effect from the next extension of the mandate of the Force or before 15 June 1993, the costs of the Force should be treated as expenses of the Organization under Article 17, paragraph 2, of the Charter of the United Nations;

4. *Decides* also that the Force should be restructured as a first step on the basis of the proposal in paragraphs 16 to 19 of the report of the Secretary-General, with the addition of a limited number of observers for reconnaissance and with a view to further restructuring in the light of the reassessment referred to in paragraph 5 below;

5. *Decides* to conduct a comprehensive reassessment of the Force, to include the implications for the Force of progress on confidence-building measures and towards a political settlement, additional to the regular six monthly consideration of the extension of the mandate of the Force provided for in its earlier relevant resolutions, at the latest one year after the adoption of the present resolution;

6. *Requests* the Secretary-General to submit a report one month before that reassessment, to cover all aspects of the situation, including confidence-building measures, progress in political negotiations and possible progressive steps towards an observer force based on the proposal described in paragraph 12 of this report;

7. *Invites* the Secretary-General to take the necessary steps to implement the present resolution.

DOCUMENT S/25699

Letter dated 29 April 1993 from the representative of the Russian Federation to the Secretary-General

*[Original: Russian]
[29 April 1993]*

I have the honour to transmit herewith the text of the statement issued on 27 April 1993 by Mr. B. N. Yeltsin, President of the Russian Federation, concerning the question of a settlement in the former Yugoslavia.

I should be grateful if you would have this letter and the text of the statement circulated as a document of the Security Council.

*(Signed) Y. VORONTSOV
Permanent Representative of the
Russian Federation to the United Nations*

TEXT OF THE STATEMENT

In a statement issued on 9 March, the President of Russia emphasized that there was no alternative to the Vance-Owen plan and pointed out that any party to the conflict which did not accept it in principle would incur serious responsibility.

Today, in spite of all the efforts that have been made, the Vance-Owen plan was rejected by the Assembly of the Bosnian Serbs. The referendum on the plan which they will be holding in mid-May must result in a more carefully considered decision.

The Russian Federation will not protect anyone who opposes the international community. Both the Serbian nationalists and any other parties to the conflict who are counting on force will meet with a sharp rebuff from the United Nations.

In the present circumstances, it is especially important that unity should exist among the permanent members of the Security Council, the European Community, all peace-loving States and international organizations.

It was precisely such considerations which led us to put forward our proposals for various courses of action, such as a meeting of the opposing sides in the area of the conflict under the auspices of the joint chairmen and the Ministers for Foreign Affairs of the countries which are permanent members of the Security Council; the stationing of United Nations observers in trouble spots in Bosnia and Herzegovina and on its borders; the convening of a second session of the London Conference or a special meeting on the former Yugoslavia in the context of security in the Balkans as a whole. The time has come for decisive action to extinguish the conflict.

DOCUMENT S/25700

Letter dated 30 April 1993 from the Security Council Mission established pursuant to Council resolution 819 (1993) to the President of the Security Council

*[Original: English]
[30 April 1993]*

We, the members of the Security Council Mission established pursuant to resolution 819 (1993), have the honour

to submit to you herewith our report in accordance with paragraph 12 of that resolution.

(Signed) Hervé LADSOU (France)

André ERDOS(Hungary)

Terrence O'BRIEN(New Zealand)

Sher Afgan KHAN(Pakistan)

Vasily SIDOROV(Russian Federation)

Diego ARRIA(Venezuela)
(Coordinator)

TEXT OF THE REPORT

INTRODUCTION

1. At its 3199th meeting, on 16 April 1993, the Security Council adopted unanimously resolution 819 (1993), which reads as follows:

[For the text, see Resolutions and Decisions of the Security Council, 1993.]

I. MANDATE AND SCOPE OF ACTIVITIES

2. Pursuant to paragraph 12 of Security Council resolution 819 (1993) of 16 April 1993, a Mission of the Council was dispatched to the Republic of Bosnia and Herzegovina to ascertain the situation on the ground and to report thereon. The Mission also visited the cities of Zagreb and Split in Croatia, and Belgrade in the Federal Republic of Yugoslavia (Serbia and Montenegro). The Mission took place from the evening of 22 April to the morning of 27 April.

3. The actual terms of reference were left to the Mission members to agree upon among themselves. Accordingly, the members decided to meet the leaders of the three parties to the conflict, President Alija Izetbegović of the Republic of Bosnia and Herzegovina, Mr. Radovan Karadžić, the Bosnian Serb leader, and Mr. Mate Boban, leader of the Bosnian Croats. Additionally, the Mission met with the UNPROFOR [United Nations Protection Force] Commander and other commanders, representatives of UNHCR [Office of the United Nations High Commissioner for Refugees] and ICRC [International Committee of the Red Cross] and local authorities of places where hostilities were occurring and inspected such areas as well. The Mission also met Vice-President Ejup Ganić of the Republic of Bosnia and Herzegovina and President Franjo Tudjman of the Republic of Croatia.

4. Details of the places visited and the meetings held by the Mission are given in annex I to the present report.

II. SITUATION ON THE GROUND

A. Srebrenica

5. The Mission was flown in by United Nations helicopters from the headquarters at Kiseljak via Tuzla and Zvornik while the evacuation of sick and wounded civilians was taking place. No fighting had been reported since 18 April.

6. The killing of civilians by Muslims was viewed by the Serbs as justifying their offensive. The assessment of Lieutenant-General Lars-Eric Wahlgren (UNPROFOR Commander) is that it all reflected a chain reaction by all parties. In his view, all sides are committing atrocities at different levels, but only Serbs are taking territory.

7. Srebrenica, which used to be a spa resort, today has a population of approximately 20,000 to 28,000 people, of whom between 8,000 and 10,000 are locals. The rest are displaced persons from surrounding villages that were destroyed by Serbs. The whole enclave today holds 70,000 people.

8. The prevailing conditions of overcrowding, lack of drinking water, which has been cut off, the absence of electricity, sanitation and basic medical assistance represent an extraordinarily dramatic and cruel situation for the people of Srebrenica, many of whom are sleeping in the streets.

9. Streets are being used as toilet facilities. The damage and destruction of more than 50 per cent of the town's houses and public facilities are also creating significant health problems and dangerous sanitary conditions, with the possibility that such a hazardous situation might lead to epidemics, as reported by UNHCR and ICRC.

10. Thousands of people are wandering the streets without any occupation or purposeful activity. Fortunately, food provisions have been arriving by road and airdrops. Although humanitarian aid convoys have not been interrupted, they are subjected to constant harassment at the checkpoint at the entrance to the town and obstacles to free access, contrary to the demand made in Security Council resolution 819 (1993). The helicopters to evacuate the wounded and the sick are subjected to similar treatment. Thus, the Serbs are determined to show that they are in effective control of the town, that it is at their mercy and that they have not taken Srebrenica only because of the adoption of Council resolution 819 (1993). Generals Wahlgren and Morillon stated to the Mission that without such Security Council action the agreement of 18 April 1993 (annex II) between the Bosnian Serbs and the Government of the Republic of Bosnia and Herzegovina for the demilitarization of Srebrenica would not have been reached.

11. As a precondition to the arrival by helicopter of UNPROFOR and the Mission at Srebrenica, the Serbs demanded that they first land at Zvornik to be checked

thoroughly by them. All flights to and from Srebrenica must also land at Zvornik. Furthermore, upon its return from Srebrenica, the Mission was held in Zvornik against its will for half an hour.

12. Before the agreement of 18 April 1993, the town had been under intense shelling; it was surrounded and totally isolated. The situation forced the local Srebrenica authorities to agree to a settlement by which only the Muslim side was to disarm under the supervision of UNPROFOR. That agreement was subsequently concluded by the Bosnian Commander, General Halilović, at Sarajevo.

13. At Zagreb the Mission learned from General Wahlgren that these negotiations had been initiated at least a month before the Security Council was informed "of the imminent fall of the city and that negotiations were now taking place at the airport of Sarajevo to reach a cease-fire and prevent the slaughter of the population".

14. The Security Council should note that when it was discussing resolution 819 (1993), it did not know that negotiations involving the Force Commander of UNPROFOR had been taking place and that UNPROFOR had participated actively in the drafting and in the process of convincing the Bosnian Commander to sign the agreement. The alternative could have been a massacre of 25,000 people. It definitely was an extraordinary emergency situation that had prompted UNPROFOR to act.

15. Both the President and the Vice-President of the Republic of Bosnia and Herzegovina informed us that they had been reminded by the UNPROFOR officers that no outside support would be forthcoming and that they were evidently defenceless. They had to sign the agreement under duress. As noted below, the Mission feels that lessons should be drawn from this experience, both in terms of the need for adequate and opportune information and of the hard choices that may have to be considered.

16. The Srebrenica arrangement cannot be a model but should inspire action by the Security Council to prevent the fall of further enclaves and territories, such as Gorazde, Zepa and Tuzla, which demand immediate action. We know enough today about the conditions prevailing in these towns, notwithstanding Mr. Karadžić's assurance to the Mission that his forces would not attack Gorazde or Tuzla.

17. There is no doubt that had this agreement not been reached, most probably a massacre would have taken place, which justifies the efforts of the UNPROFOR Commander. The population has been saved - obviously under the extreme conditions described above, which will require urgent actions to correct them.

18. Srebrenica is today the equivalent of an open jail in which its people can wander around but are controlled and terrorized by the increasing presence of Serb tanks and other heavy weapons in its immediate surroundings. The UNHCR representative described the town as a "bad refugee camp".

19. During the Mission's briefing at Srebrenica, the representative of ICRC informed it that the Serbs were not allowing surgeons to enter the city, in direct violation of international humanitarian law. There were many wounded requiring surgery. The only surgeon in the city has not been authorized to stay by the Serbs. To impede medical assistance is a crime of genocide. This action, together with the cutting of the water supply and electricity, have put into effect a slow-motion process of genocide.

20. The school where only two weeks ago 15 children were blasted by mortar fire is today a refugee centre for children who, according to the observations of both the Mission and ICRC, represent a danger as a source of epidemics which might spread and kill the other children of the city as well. Another aspect of the prevailing conditions of the city is that the mutilated remains of the children who were playing soccer when they were killed are still scattered in the area.

21. The sick and the wounded can only be evacuated after a "triage", or examination process, is done by Serbian doctors in conjunction with ICRC, who perform this function at the UNPROFOR helicopter landing area. The Serbian officers who escorted us by helicopter to Srebrenica were also present.

22. The displaced population cannot be relocated to the surrounding areas because the Serb forces are now entrenched there. And even if they wanted to leave, the Serbs are allowing the departure of only the sick, the wounded and dependent women and children.

23. The Mission was also informed by officials of UNHCR that the tents to shelter refugees that they had tried to bring into the city had been confiscated at the Serb checkpoint at Srebrenica because they were considered "military equipment". This represents another impediment to the delivery of humanitarian assistance, in contravention of resolution 819 (1993).

24. Accompanied by the Canadian Battalion Commander, the Mission visited the UNPROFOR observation posts in the mountains surrounding the city. Forty-seven new trenches have been dug by the Serbs in the last week. Tanks and heavy weapons could be seen at a distance of 900 metres from one observation post. Evidently the Serb paramilitary forces not only are not withdrawing as demanded by resolution 819 (1993) but are increasing their pressure on the town.

25. The Serbian colonel in charge of Zvornik, Colonel Rodić, and one of his officers accompanied the Mission during its tour of that town, including the school where the children had been killed by Serb forces. The Mission raised the issue of the surgeon for Srebrenica and Colonel Rodić offered to solve the matter.

26. The Mission identified certain shortcomings in the cease-fire arrangements negotiated at Srebrenica, both in their content and the way they were secured. These include issues relating to the maintenance of basic services and indispensable support services.

27. The short-range perspectives of Srebrenica are the following:

(a) The town is practically under siege, with Serbian forces controlling access to it.

(b) Inhuman conditions prevail, with potentially catastrophic consequences.

(c) Mr. Karadžić indicated to the Mission at its meeting with him at the Belgrade airport that he would not take the town, that the water supply would be immediately restored and that humanitarian convoys would be allowed, "subject to inspection".

(d) Even though Security Council resolution 819 (1993) declared the city a safe area, the actual situation obviously does not correspond to either the spirit or the intent of the resolution.

(e) The Serb forces do not appear to be ready to withdraw. On the contrary, they are today larger than when the resolution was adopted.

(f) The Commander of the Canadian Battalion informed the Mission that the Serbs have "their own interpretation of the demilitarization agreement". The Chief of Staff of UNPROFOR at Kiseljak reported to us that "even though the Security Council is obviously an important organ of the United Nations it is of no importance to the Serbs in the area".

(g) Even five Serbian soldiers were able to detain for 24 hours a humanitarian convoy arriving at Sarajevo, and they subjected the Mission, in the outskirts of the city, to a delay of one and a half hours, during which time a sub-machine gun mounted on a tank was aimed at the vehicle, in which the Coordinator of the Mission was travelling because he had in his possession a camera. The fact that five Serbian soldiers were able to defy a large group of soldiers and officers who were with the Mission should be noted by the Security Council in order to understand the actual conditions that UNPROFOR faces. The attitude of defiance of the Serbs towards the United Nations in general is a matter that should concern the Council. The Serbs obviously have little respect for UNPROFOR's authority.

(h) The Serb forces must withdraw to points from which they cannot attack, harass or terrorize the town. UNPROFOR should be in a position to determine the related parameters. The Mission believes, as does UNPROFOR, that the actual area of 4 1/2 kilometres by 1/2 kilometre decided as a safe area should be greatly expanded.

(i) The water supply must be resumed. Today this is - if possible - of greater human value and priority than the withdrawal of the Serb forces. Cutting off the water supply is a criminal practice and the Security Council should demand its immediate cessation. Not to do so would be tantamount to condemning the people of Srebrenica to abject conditions and more human misery.

(j) Not to allow surgeons to enter and stay at Srebrenica is also a grave violation of international humanitarian law. The Serbs should be warned of the implications of such violations. The Security Council should consider urgent measures in this respect.

(k) The Mission feels that the Security Council should also be kept more fully informed of developments and consulted accordingly - not with a view to "micro-managing" but in order to be in a position to discharge its responsibilities effectively.

(l) The presence of the Mission at Srebrenica was highly appreciated, as evidenced by public manifestations. The Mayor and the authorities expressed a feeling of encouragement by the visit. President Izetbegović said that the visit "represented a symbol of hope for all of his people".

B. Gorazde, Zepa and Tuzla

28. Gorazde and Zepa in particular are today in a situation of great vulnerability. The outcome could be similar to that at Srebrenica if firm actions are not taken immediately. A Security Council resolution to declare them safe areas should be considered without delay in consultation with UNPROFOR.

29. Tuzla is in a different situation, but the displaced persons (200,000) who have moved there are weakening its capacity to resist. The Mission also recommends that it be declared a safe area.

30. UNPROFOR monitors should be deployed around the cease-fire lines, in larger safe areas, but in a way that would not prejudice future implementation of the Vance-Owen plan.

C. Sarajevo - a safe area

31. Sarajevo is one of the oldest cities in Europe and one with a truly ecumenical vocation. It is a symbol of plurality where Serbs, Croats, Jews and Muslims, have coexisted for centuries. This capital of all the peoples of the Republic of Bosnia and Herzegovina should immediately become a safe area. The one-year siege must be terminated. The multicultural character of the city must be guaranteed. It will be a message of hope to the whole country.

D. Vitez

32. The Mission visited the British battalion headquarters at Vitez. It received a briefing by its Commander, Lieutenant-Colonel Robert Stewart, and his staff about the developments in central Bosnia which prompted the statement by the President of the Security Council on 21 April [S/25646] regarding the killings and massacres of Muslim families and the burning of their homes undertaken in complete defiance of the UNPROFOR presence.

33. The Mission was taken to a house at Ahinici where the charred bodies of an entire family could still be seen. They seemed to have been shot and then burned - a tragic event with serious consequences of violent reaction by the Muslims in the

area. In fact, three days later Muslims set fire to several houses.

34. The conflict developing in central Bosnia could generate even further atrocities by extremist groups if they are not immediately controlled and stopped.

35. Lieutenant-Colonel Stewart demanded that the Croatian Defence Council (HVO) give a full explanation. In this context the Mission spoke in unequivocal terms with Mr. Mate Boban and with President Tudjman of Croatia. Both were informed of the Security Council's condemnation of these events and the Mission called upon them to act immediately in order to avoid similar recurrences.

36. Mr. Boban, with whom the Mission met at the airport at Split, denied the participation of his forces in these acts, which he said were the acts of radical groups (General Wahlgren had informed us that this group even had swastikas on their clothing).

37. Mr. Boban, while expressing his condemnation of these acts, nevertheless stated that "one must not look only to the effects but to the causes", and that "Croats have been massacred by Muslims". The Mission expressed its deep concern and told him that these developments could seriously tarnish his image and that of the Croats in general, not to mention the repercussions that it could have on the Republic of Croatia.

38. Mr. Boban said he had just returned from Zagreb, where he had met with President Izetbegović and President Tudjman to finalize a new agreement with the Government of the Republic of Bosnia and Herzegovina to create a joint command of their armies and to cooperate in putting an end to the conflict between Croats and Muslims (see annex III). They also agreed to move forward on their own towards the implementation of the Vance-Owen plan. This agreement, if implemented, would of course be of considerable significance.

39. Mr. Boban stated that he favoured the creation of an international tribunal to judge acts of atrocities. He also stated that his forces would "shoot" anyone who committed any atrocity.

40. The Mission conveyed to President Tudjman its appreciation for his signature of the agreement, which is seen as a step towards the implementation of the Vance-Owen plan.

41. The Mission also conveyed to him its shock and horror at the killings by Croats of Muslims in central Bosnia and called upon him to help actively in preventing any recurrence of these outrageous incidents and bringing those responsible to immediate justice. President Tudjman agreed that the acts of inhumanity were unpardonable but said that as long as causes existed for provocation, there may be a temptation to resort to such acts of horror which were typical not only of the Bosnian Croats. He promised to use his influence to see that the guilty were punished.

42. President Tudjman also expressed his fears of the expansion of Serbia, which threatened the area of Krajina in Croatia. He said that the Serbs were convinced that the world community would not employ force. It was therefore necessary that pressure be brought to bear upon them. This could be achieved by air strikes on their supplies to Croatia and Bosnia and Herzegovina. He suggested that United Nations peace-keeping forces could also be deployed to monitor any supplies from Serbia. He expressed the belief that Serbia would not be able to defy the whole world.

43. Referring to the problems in the United Nations Protected Areas in Croatia in January 1993, President Tudjman said that the terms agreed to with local Serb authorities had not been honoured and that they had received cross border assistance from Serbia, which had precipitated the crisis. He also stressed that there could be no other solution to the Bosnian conflict but the creation of a confederation with three constituent nations under a United Nations protectorate.

III. OBSERVATIONS

44. In all the circumstances, the performance of UNPROFOR in Bosnia is notable. But the question needs to be posed, is the restriction of its role essentially to a supportive humanitarian one, viable in the deteriorating circumstances in Bosnia? Several soldiers in the field expressed deep frustration and anguish to members of the Mission with regard to the restrictions under which they operate. General Wahlgren informed the Mission of his view that "more intensive" peace-keeping by his force in Bosnia should be possible. At the same time he underlined that UNPROFOR resources are heavily stretched and additional tasks would require additional UNPROFOR capability, especially if monitors were to be deployed along the lines of a cease-fire, as suggested by Mr. Karadžić.

45. The Mission believes that the imminent renewal by the Security Council of UNPROFOR's mandate should be the occasion for the Council to address the following issues in detail:

(a) What advantages are there in the Council's declaring the eastern Bosnian towns of Zepa, Gorazde (and perhaps others?) as Security Council safe areas, as an act of preventive diplomacy, before they come under possible direct attack from Serbian forces?

(b) If this action is deemed feasible and desirable, the deployment of UNPROFOR forces with a revised mandate, based on speedy recommendation from the Secretary-General and UNPROFOR's Force Commander, would be urgently required;

(c) At the same time, the actual terms will be required to define Security Council safe areas in each locality in terms of size, the extent of disarmament and demilitarization, the establishment of buffer zones or some other forms of physical separation as well as associated socio-economic factors (covering water and electricity supply) and access to and by humanitarian supplies; the basic role for UNPROFOR under a

revised mandate would be to ensure compliance with the terms agreed upon by all parties, including the use of effective monitoring activity;

(d) In the Mission's view, serious attention needs to be given to bestowing a greater reconnaissance capability upon UNPROFOR - even in a situation where no change in its role was envisaged and its essentially humanitarian support role was maintained.

46. The Mission believes that the designation of certain towns/enclaves as Security Council safe areas deserves serious consideration as an act of Council preventive diplomacy. But in any resolution to give effect to such designation, it should be clearly and emphatically recorded that the establishment of Council safe areas in no way undermines the proposed settlement details of the Vance-Owen plan. It is not an attempt to create new and different internal boundaries within Bosnia.

47. The Mission recognizes that such a decision would require a larger UNPROFOR presence, a revised mandate to encompass cease-fire/safe area monitoring and different rules of engagement; but it would be a step that stops short of the sort of military strike enforcement measures that are now being so openly debated. It would not rule out eventual consideration of such measures - but at a next stage, if the Serbs simply ignored the integrity of Security Council safe areas; nor would it, on the other hand, automatically predetermine a move to military strikes. Moreover, such a graduated step would not of itself call into question the integrity of the humanitarian aid effort, as would a decision to move immediately to military strikes.

48. The Mission reckons with the fact that these actions would represent a significant strengthening of the UNPROFOR role. Designation of Security Council safe areas would have to be done with the clear intent that they would, once established, be enforced or defended if need be.

IV. ACKNOWLEDGEMENTS

49. The Mission wishes to put on record its admiration for General Wahlgren, General Morillon and UNPROFOR military and civilian staff for their outstanding performance in discharge of their duties under extremely difficult and demanding conditions which became evident to the members of the Mission during their visit.

50. The Mission was specially impressed by the motivation and dedication of UNHCR staff and also by ICRC representatives in the area, as well as by the level of cooperation and sense of teamwork between those organizations. The Mission was equally impressed by the selfless contributions of the non-governmental organizations in the area.

51. Last but not least, the Mission would like to pay a special tribute to the courageous Canadian Forces at Srebrenica. They have brought hope to the people of the Republic of Bosnia and Herzegovina.

ANNEX I

Itinerary

23 April 1993

Arrival at Zagreb Briefing at UNPROFOR headquarters by:
Lt.-Gen. Lars-Eric Wahlgren (Force Commander)
Lt.-Gen. Philippe Morillon (Commander BH Command)
Brigadier Bo Pellnas (Chief Military Observer)
Col. Michel Maisonneuve (Chief Operations Officer)
Miss Emma Shitaka (UNPROFOR Civil Affairs)
Mr. Cedric Thornberry (Chief of Civil Affairs Adm.)

24 April 1993

Arrival at Sarajevo Meeting with President Izetbegović of the Republic of Bosnia and Herzegovina

Arrival at Kiseljak Briefing by:
Brigadier G. de V. W. Hayes (Chief of Staff of BH Command at Kiseljak)
Mr. José María Mendiluce (Coordinator of United Nations humanitarian assistance in the former Yugoslavia, UNHCR)
Mr. Urs Boegli (Coordinator of ICRC operations for the former Yugoslavia)

Arrival at Vitez Briefing by Lt.-Col. Robert Stewart (Commanding Officer of the British Battalion) and his information officer

25 April 1993

Arrival at Srebrenica Meeting with:
Col. Rodić (Senior representative of the Bosnian Serb Army)
Major Mile Popović (Senior representative of the Bosnian Serb Army)
Major Zaim Civić (Representative of the Bosnian Army)
Major Enver Madzić (Representative of the Bosnian Army)

Briefing by:
Lt.-Col. Thomas K. D. Geburt (Commanding Officer, 2nd Battalion, The Royal Canadian Regiment) and his deputy
Mr. Jean-Claude Amiot (UNHCR)
Mr. François Bellon (Head of ICRC Task Force on the former Yugoslavia at Geneva)
Mr. José María Mendiluce (Coordinator of United Nations humanitarian assistance in the former Yugoslavia, UNHCR)

Arrival at UNPROFOR Briefing by Master Corporal Gaudet (2nd Battalion, Royal observation post Canadian Regiment)

Arrival at Tuzla Brief meeting with the Mayor of Tuzla

Arrival at Split Meeting with Mr. Mate Boban and his military commander

26 April 1993

Arrival at Belgrade (airport) Meeting with Mr. Radovan Karadžić and his Assistant, Mr. Sveto Plavsić

Arrival at Zagreb and (UNPROFOR headquarters) Meeting with Gen. Wahlgren, Gen. Morillon and Mr. Thornberry

Airport Meeting with President Tudjman of the Republic of Croatia and the following:

- Mr. Jure Radić, Chief of Staff
- Mr. Vladimir Seks, Deputy Prime Minister
- Mr. Mate Granić, Deputy Prime Minister
- Mr. Zdenko Škrabalo, Foreign Minister
- Mr. Branimir Jakšić, Deputy Chief of Staff
- Ms. Zdravka Bušić, Adviser
- Mr. Zdravko Gavran, Adviser

Embassy of Bosnia and Herzegovina Meeting with Vice-President Ganić of the Republic of Bosnia and Herzegovina and Mr. Mirko Pejanović, Member of the Presidency

ANNEX II

Agreement for the demilitarization of Srebrenica

At a meeting held at Sarajevo on 17 April 1993, Lt.-Gen. Mladić and Gen. Halilović, in the presence of Lt.-Gen. Wahlgren, representing UNPROFOR, acting as a mediator, agreed the following:

1. A total cease-fire in the Srebrenica area effective from 0159 hours on 18 April 1993. Freezing all combat actions on the achieved lines of confrontation, including supporting artillery and rocket fire.
2. The deployment of a company group of UNPROFOR into Srebrenica by 1100 hours 18 April 1993. This company group is guaranteed safe and unhindered passage from Tuzla to Srebrenica by both sides.
3. The opening of an air corridor between Tuzla and Srebrenica via Zvornik for evacuation of the seriously wounded and seriously ill. The air corridor opens at 1200 hours on 18 April 1993 and continues on 19 April 1993, weather permitting, for as long as it takes to evacuate all the existing seriously wounded and seriously ill. The helicopters will fly from Tuzla to Zvornik and land for an inspection at Zvornik which will not cause unnecessary delay to the evacuation. The seriously wounded and seriously ill will be evacuated after identification by UNPROFOR in the presence of two doctors from each side and the ICRC. All categories of seriously wounded and seriously ill will be evacuated by air unhindered by either side. The number of seriously wounded and seriously ill is believed to be approximately 500. This will be verified on 18 April 1993 by UNPROFOR and the result notified to each side.
4. The demilitarization of Srebrenica will be complete within 72 hours of the arrival of the UNPROFOR company at Srebrenica (1100 hours, 18 April 1993; if they arrive later this will be changed). All weapons, ammunition, mines, explosives and combat supplies (except

medicines) inside Srebrenica will be submitted/ handed over to UNPROFOR under the supervision of three officers from each side with control carried out by UNPROFOR. No armed persons or units except UNPROFOR will remain within the city once the demilitarization process is complete. Responsibility for the demilitarization process remains with UNPROFOR.

5. A working group will be established to decide the details of the demilitarization of Srebrenica. This group will study, in particular, the action to be taken if the demilitarization is not complete within 72 hours; and the correct treatment for any personnel who hand over/submit their weapons to UNPROFOR. The working group will report to Lt.-Gen. Wahlgren, Lt.-Gen. Ratko Mladić and Gen. Sefer Halilović. The first report will be made at a meeting to be held at Sarajevo Airport on Monday, 19 April 1993, at 1200 hours.

6. Both sides are to submit a report on the minefields and explosive obstacles in the Srebrenica area to UNPROFOR. Each side is to clear its minefields under the supervision of UNPROFOR.

7. Neither side is to hinder freedom of movement. UNHCR and ICRC are to investigate allegations of hindrance of movement at Srebrenica and Tuzla in particular.

8. Humanitarian aid will continue to be allowed into the city as planned.

9. The officers and the doctors supervising the demilitarization process are under the protection of UNPROFOR, their safety is to be guaranteed by both conflicting sides.

10. The working group is to make recommendations on carrying out an exchange of the prisoners, the killed and the wounded according to the principle "all for all" in the region of Srebrenica within 10 days. This is to be under the control of ICRC.

11. All the disputed issues are to be resolved by a mixed military working group or at another meeting of the respective delegations of the conflicting sides under the mediation of Lt.-Gen. Wahlgren.

Signed:

Gen. Sefer HALILOVIĆ

Lt.-Gen. Ratko MLADIĆ

Witnessed by:

Lt.-Gen. Lars-Eric WAHLGREN

The 18th day of April 1993

ANNEX III

[Same text as the Joint Statement and the annex thereto in document S/25659 above.]

DOCUMENT S/25702

Letter dated 29 April 1993 from the representative of Croatia to the President of the Security Council

[Original: English]
[30 April 1993]

In accordance with the provisions of paragraph 5 of Security Council resolution 771 (1992) and paragraph 1 of

Council resolution 780 (1992), as well as in the light of Council resolution 798 (1992), I have the honour to submit herewith*, an addition to our earlier submissions of documents concerning war crimes on the territory of the former Yugoslavia.

I should be grateful if you would provide for the circulation of this letter and its annex* as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

DOCUMENT S/25703

Letter dated 30 April 1993 from the representative of Croatia to the President of the Security Council

[Original: English]
[30 April 1993]

Pursuant to my letter dated 14 April 1993 [S/25601], in which I reiterated the position of my Government concerning the efficient protection of the international borders of the Republic of Croatia and expressed grave concerns regarding the plunder of the Croatian oil from the Djeletovci oilfield and therefore proposed that the said oilfield be permanently guarded by UNPROFOR [United Nations Protection Force] personnel and that the installations remain idle until the conditions permit the return of the legitimate owners, I have to inform you that the situation on the ground has since deteriorated.

Not only does the extraction of oil and its shipment across the international borders of Croatia continue unabated in flagrant violation of all the relevant sanctions resolutions and in violation of resolution 769 (1992), but the insurgents have been allowed to construct a new oil storage tank on the Djeletovci oilfield in the place of one they had set ablaze and destroyed when they attacked and occupied the area.

Enclosed, please find laser Xerox copies of four photographs** that are marked as follows:

1. 29 September 1991: Telephoto shot showing the oil storage tank R-2, 5,000 m3 burning after being set ablaze by the advancing forces of the "Yugoslav People's Army (JNA)";
2. 16 September 1992: Telephoto shot showing almost finished construction of a new oil storage tank in the place of the one that was previously destroyed;

*The document is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

**The photographs and the map are not reproduced in the present *Supplement*; they may be consulted in the files of the Secretariat.

3. 14 April 1993:

Telephoto shot showing from a different angle the production on the oilfield (note the flame to the right that confirms that the production of oil is presently taking place);

4. 14 April 1993:

Panoramic view of the production facility with the new oil storage tank clearly in view, and the production flame in sight.

Enclosed is also a self-explanatory map of the area*, showing the oil and gas pipelines. Please note the existence of a production pipeline leading to the port of Opatovac (Vukovar). In the report submitted by the independent contractor - commissioned by the United Nations and logged under the symbol

FOD/DAM/92/022/Amend. I - it is suggested that there exists a direct link between this port and the refinery in Novi Sad (Federal Republic of Yugoslavia (Serbia and Montenegro)).

My Government is very concerned that the constant warnings of these events - the information provided to the Security Council by the Republic of Croatia and the independent contractors commissioned by the United Nations, the information constantly provided by UNPROFOR on the ground and communicated to the Security Council Committee established pursuant to resolution 724 (1991) concerning Yugoslavia and to the Security Council itself by the Under-Secretary-General for Peace-keeping Operations - have all remained without any action of the Security Council whatsoever.

I would ask for your kind assistance in distributing this letter and its annex* as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

DOCUMENTS S/25704*** AND ADD.1

Report of the Secretary-General pursuant to paragraph 2 of Security Council resolution 808 (1993)

DOCUMENT S/25704

[Original: English]
[3 May 1993]

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***Incorporating document S/25704/Corr.1 of 30 July 1993.

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Introduction

1. By paragraph 1 of resolution 808 (1993) of 22 February 1993, the Security Council decided "that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991".

2. By paragraph 2 of the resolution, the Secretary-General was requested "to submit for consideration by the Council at the earliest possible date, and if possible no later than 60 days after the adoption of the present resolution, a report on all aspects of this matter, including specific proposals and where appropriate options for the effective and expeditious implementation of the decision [to establish an international tribunal], taking into account suggestions put forward in this regard by Member States."

3. The present report is submitted pursuant to that request.¹²

A

4. Resolution 808 (1993) represents a further step taken by the Security Council in a series of resolutions concerning serious violations of international humanitarian law occurring in the territory of the former Yugoslavia.

5. In resolution 764 (1992) of 13 July 1992, the Security Council reaffirmed that all parties to the conflict are bound to comply with their obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949, and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches.

6. In resolution 771 (1992) of 13 August 1992, the Security Council expressed grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia and especially in Bosnia and Herzegovina, including reports of mass forcible expulsion and deportation of civilians, imprisonment and abuse of civilians in detention centres, deliberate attacks on non-combatants, hospitals and ambulances, impeding the delivery of food and medical supplies to the civilian population, and wanton devastation and destruction of property. The Council strongly condemned any violations of international humanitarian law, including those involved in the practice of "ethnic cleansing", and demanded that all parties to the conflict in the former Yugoslavia cease and desist from all breaches of international humanitarian law. It called upon States and international humanitarian organizations to collate substantiated information relating to

the violations of humanitarian law, including grave breaches of the Geneva Conventions, being committed in the territory of the former Yugoslavia and to make this information available to the Council. Furthermore, the Council decided, acting under Chapter VII of the Charter of the United Nations, that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, should comply with the provisions of that resolution, failing which the Council would need to take further measures under the Charter.

7. In resolution 780 (1992) of 6 October 1992, the Security Council requested the Secretary-General to establish an impartial Commission of Experts to examine and analyse the information as requested by resolution 771 (1992), together with such further information as the Commission may obtain through its own investigations or through the efforts of other persons or bodies pursuant to resolution 771 (1992), with a view to providing the Secretary-General with its conclusions on the evidence of grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia.

8. On 12 October 1992, the Secretary-General submitted a report to the Security Council pursuant to paragraph 3 of resolution 780 (1992) in which he outlined his decision to establish a five-member Commission of Experts [S/24657]. On 26 October 1992, the Secretary-General announced the appointment of the Chairman and members of the Commission of Experts.

9. By a letter dated 9 February 1993, the Secretary-General submitted to the President of the Security Council an interim report of the Commission of Experts [S/25274], which concluded that grave breaches and other violations of international humanitarian law had been committed in the territory of the former Yugoslavia, including wilful killing, "ethnic cleansing", mass killings, torture, rape, pillage and destruction of civilian property, destruction of cultural and religious property and arbitrary arrests. In its report, the Commission noted that should the Security Council or another competent organ of the United Nations decide to establish an ad hoc international tribunal, such a decision would be consistent with the direction of its work.

10. It was against this background that the Security Council considered and adopted resolution 808 (1993). After recalling the provisions of resolutions 764 (1992), 771 (1992) and 780 (1992) and, taking into consideration the interim report of the Commission of Experts, the Security Council expressed once again its grave alarm at continuing reports of widespread violations of international humanitarian law occurring within the territory of the former Yugoslavia, including reports of mass killings and the continuation of the practice of "ethnic cleansing". The Council determined that this situation constituted a threat to international peace and security, and stated that it was determined to put an end to such crimes and to take effective measures to bring to justice the persons who are responsible for them. The Security Council stated its conviction that in the particular circumstances of the former Yugoslavia the establishment of an international tribunal

would enable this aim to be achieved and would contribute to the restoration and maintenance of peace.

11. The Secretary-General wishes to recall that in resolution 820 (1993) of 17 April 1993, the Security Council condemned once again all violations of international humanitarian law, including in particular, the practice of "ethnic cleansing" and the massive, organized and systematic detention and rape of women, and reaffirmed that those who commit or have committed or order or have ordered the commission of such acts would be held individually responsible in respect of such acts.

B

12. The Security Council's decision in resolution 808 (1993) to establish an international tribunal is circumscribed in scope and purpose: the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. The decision does not relate to the establishment of an international criminal jurisdiction in general nor to the creation of an international criminal court of a permanent nature, issues which are and remain under active consideration by the International Law Commission and the General Assembly.

C

13. In accordance with the request of the Security Council, the Secretary-General has taken into account in the preparation of the present report the suggestions put forward by Member States, in particular those reflected in the following documents of the Council submitted by Member States and noted by the Council in its resolution 808 (1993): the report of the Committee of French jurists [S/25266], the report of the Commission of Italian jurists [S/25300], and the report submitted by the Permanent Representative of Sweden on behalf of the Chairman-in-Office of the Conference on Security and Cooperation in Europe (CSCE) [S/25307]. The Secretary-General has also sought the views of the Commission of Experts established pursuant to Security Council resolution 780 (1992) and has made use of the information gathered by that Commission. In addition, the Secretary-General has taken into account suggestions or comments put forward formally or informally by the following Member States since the adoption of resolution 808 (1993): Australia, Austria, Belgium, Brazil, Canada, Chile, China, Denmark, Egypt,* Germany, Iran (Islamic Republic of),* Ireland, Italy, Malaysia,* Mexico, Netherlands, New Zealand, Pakistan,* Portugal, Russian Federation, Saudi Arabia,* Senegal,* Slovenia, Spain, Sweden, Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia. He has also received suggestions or comments from a non-member State (Switzerland).

14. The Secretary-General has also received comments from the International Committee of the Red Cross (ICRC), the International Criminal Police Organization and from the

*On behalf of the members of the Organization of the Islamic Conference (OIC) and as members of the Contact Group of OIC on Bosnia and Herzegovina.

following non-governmental organizations: Amnesty International, Association Internationale des Jeunes Avocats, Ethnic Minorities Barristers' Association, Fédération internationale des femmes des carrières juridiques, Jacob Blaustein Institution for the Advancement of Human Rights, Lawyers Committee for Human Rights, National Alliance of Women's Organisations (NAWO), and Parliamentarians for Global Action. Observations have also been received from international meetings and individual experts in relevant fields.

15. The Secretary-General wishes to place on record his appreciation for the interest shown by all the Governments, organizations and individuals who have offered valuable suggestions and comments.

D

16. In the main body of the report which follows, the Secretary-General first examines the legal basis for the establishment of the International Tribunal foreseen in resolution 808 (1993). The Secretary-General then sets out in detail the competence of the International Tribunal as regards the law it will apply, the persons to whom the law will be applied, including considerations as to the principle of individual criminal responsibility, its territorial and temporal reach and the relation of its work to that of national courts. In succeeding chapters, the Secretary-General sets out detailed views on the organization of the international tribunal, the investigation and pre-trial proceedings, trial and post-trial proceedings, and cooperation and judicial assistance. A concluding chapter deals with a number of general and organizational issues such as privileges and immunities, the seat of the international tribunal, working languages and financial arrangements.

17. In response to the Security Council's request to include in the report specific proposals, the Secretary-General has decided to incorporate into the report specific language for inclusion in a statute of the International Tribunal. The formulations are based upon provisions found in existing international instruments, particularly with regard to competence *ratione materiae* of the International Tribunal. Suggestions and comments, including suggested draft articles, received from States, organizations and individuals as noted in paragraphs 13 and 14 above, also formed the basis upon which the Secretary-General prepared the statute. Texts prepared in the past by United Nations or other bodies for the establishment of international criminal courts were consulted by the Secretary-General, including texts prepared by the United Nations Committee on International Criminal Jurisdiction,¹³ the International Law Commission, and the International Law Association. Proposals regarding individual articles are, therefore, made throughout the body of the report; the full text of the statute of the International Tribunal is contained in the annex to the present report.

I. THE LEGAL BASIS FOR THE ESTABLISHMENT OF THE INTERNATIONAL TRIBUNAL

18. Security Council resolution 808 (1993) states that an international tribunal shall be established for the prosecution of persons responsible for serious violations of international

humanitarian law committed in the territory of the former Yugoslavia since 1991. It does not, however, indicate how such an international tribunal is to be established or on what legal basis.

19. The approach which, in the normal course of events, would be followed in establishing an international tribunal would be the conclusion of a treaty by which the States parties would establish a tribunal and approve its statute. This treaty would be drawn up and adopted by an appropriate international body (e.g., the General Assembly or a specially convened conference), following which it would be opened for signature and ratification. Such an approach would have the advantage of allowing for a detailed examination and elaboration of all the issues pertaining to the establishment of the international tribunal. It also would allow the States participating in the negotiation and conclusion of the treaty fully to exercise their sovereign will, in particular whether they wish to become parties to the treaty or not.

20. As has been pointed out in many of the comments received, the treaty approach incurs the disadvantage of requiring considerable time to establish an instrument and then to achieve the required number of ratifications for entry into force. Even then, there could be no guarantee that ratifications will be received from those States which should be parties to the treaty if it is to be truly effective.

21. A number of suggestions have been put forward to the effect that the General Assembly, as the most representative organ of the United Nations, should have a role in the establishment of the international tribunal in addition to its role in the administrative and budgetary aspects of the question. The involvement of the General Assembly in the drafting or the review of the statute of the International Tribunal would not be reconcilable with the urgency expressed by the Security Council in resolution 808 (1993). The Secretary-General believes that there are other ways of involving the authority and prestige of the General Assembly in the establishment of the International Tribunal.

22. In the light of the disadvantages of the treaty approach in this particular case and of the need indicated in resolution 808 (1993) for an effective and expeditious implementation of the decision to establish an international tribunal, the Secretary-General believes that the International Tribunal should be established by a decision of the Security Council on the basis of Chapter VII of the Charter of the United Nations. Such a decision would constitute a measure to maintain or restore international peace and security, following the requisite determination of the existence of a threat to the peace, breach of the peace or act of aggression.

23. This approach would have the advantage of being expeditious and of being immediately effective as all States would be under a binding obligation to take whatever action is required to carry out a decision taken as an enforcement measure under Chapter VII.

24. In the particular case of the former Yugoslavia, the Secretary-General believes that the establishment of the

International Tribunal by means of a Chapter VII decision would be legally justified, both in terms of the object and purpose of the decision, as indicated in the preceding paragraphs, and of past Security Council practice.

25. As indicated in paragraph 10 above, the Security Council has already determined that the situation posed by continuing reports of widespread violations of international humanitarian law occurring in the former Yugoslavia constitutes a threat to international peace and security. The Council has also decided under Chapter VII of the Charter that all parties and others concerned in the former Yugoslavia, and all military forces in Bosnia and Herzegovina, shall comply with the provisions of Council resolution 771 (1992), failing which it would need to take further measures under the Charter. Furthermore, the Council has repeatedly reaffirmed that all parties in the former Yugoslavia are bound to comply with the obligations under international humanitarian law and in particular the Geneva Conventions of 12 August 1949,¹¹ and that persons who commit or order the commission of grave breaches of the Conventions are individually responsible in respect of such breaches.

26. Finally, the Security Council stated in resolution 808 (1993) that it was convinced that in the particular circumstances of the former Yugoslavia, the establishment of an international tribunal would bring about the achievement of the aim of putting an end to such crimes and of taking effective measures to bring to justice the persons responsible for them, and would contribute to the restoration and maintenance of peace.

27. The Security Council has on various occasions adopted decisions under Chapter VII aimed at restoring and maintaining international peace and security, which have involved the establishment of subsidiary organs for a variety of purposes. Reference may be made in this regard to Security Council resolution 687 (1991) and subsequent resolutions relating to the situation between Iraq and Kuwait.

28. In this particular case, the Security Council would be establishing, as an enforcement measure under Chapter VII, a subsidiary organ within the terms of Article 29 of the Charter, but one of a judicial nature. This organ would, of course, have to perform its functions independently of political considerations; it would not be subject to the authority or control of the Council with regard to the performance of its judicial functions. As an enforcement measure under Chapter VII, however, the life span of the international tribunal would be linked to the restoration and maintenance of international peace and security in the territory of the former Yugoslavia, and Council decisions related thereto.

29. It should be pointed out that, in assigning to the International Tribunal the task of prosecuting persons responsible for serious violations of international humanitarian law, the Security Council would not be creating or purporting to "legislate" that law. Rather, the International Tribunal would have the task of applying existing international humanitarian law.

30. On the basis of the foregoing considerations, the Secretary-General proposes that the Security Council, acting under Chapter VII of the Charter, establish the International Tribunal. The resolution so adopted would have annexed to it a statute the opening passage of which would read as follows:

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal") shall function in accordance with the provisions of the present statute.

II. COMPETENCE OF THE INTERNATIONAL TRIBUNAL

31. The competence of the International Tribunal derives from the mandate set out in paragraph 1 of resolution 808 (1993). This part of the report will examine and make proposals regarding these fundamental elements of its competence: *ratione materiae* (subject-matter jurisdiction), *ratione personae* (personal jurisdiction), *ratione loci* (territorial jurisdiction) and *ratione temporis* (temporal jurisdiction), as well as the question of the concurrent jurisdiction of the International Tribunal and national courts.

32. The statute should begin with a general article on the competence of the International Tribunal which would read as follows:

Article 1

Competence of the International Tribunal

The International Tribunal shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 in accordance with the provisions of the present statute.

A. Competence ratione materiae (subject-matter jurisdiction)

33. According to paragraph 1 of resolution 808 (1993), the international tribunal shall prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. This body of law exists in the form of both conventional law and customary law. While there is international customary law which is not laid down in conventions, some of the major conventional humanitarian law has become part of customary international law.

34. In the view of the Secretary-General, the application of the principle *nullum crimen sine lege* requires that the international tribunal should apply rules of international humanitarian law which are beyond any doubt part of customary law so that the problem of adherence of some but not all States to specific conventions does not arise. This would appear to be particularly important in the context of an

international tribunal prosecuting persons responsible for serious violations of international humanitarian law.

35. The part of conventional international humanitarian law which has beyond doubt become part of international customary law is the law applicable in armed conflict as embodied in: the Geneva Conventions of 12 August 1949 for the Protection of War Victims;¹¹ the Hague Convention (IV) Respecting the Laws and Customs of War on Land and the Regulations annexed thereto of 18 October 1907;¹⁴ the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948;⁷ and the Charter of the International Military Tribunal of 8 August 1945.¹⁵

36. Suggestions have been made that the international tribunal should apply domestic law in so far as it incorporates customary international humanitarian law. While international humanitarian law as outlined above provides a sufficient basis for subject-matter jurisdiction, there is one related issue which would require reference to domestic practice, namely, penalties (see para. 111 below).

Grave breaches of the 1949 Geneva Conventions

37. The Geneva Conventions constitute rules of international humanitarian law and provide the core of the customary law applicable in international armed conflicts. These Conventions regulate the conduct of war from the humanitarian perspective by protecting certain categories of persons: namely, wounded and sick members of armed forces in the field; wounded, sick and shipwrecked members of armed forces at sea; prisoners of war, and civilians in time of war.

38. Each Convention contains a provision listing the particularly serious violations that qualify as "grave breaches" or war crimes. Persons committing or ordering grave breaches are subject to trial and punishment. The lists of grave breaches contained in the Geneva Conventions are reproduced in the article which follows.

39. The Security Council has reaffirmed on several occasions that persons who commit or order the commission of grave breaches of the 1949 Geneva Conventions in the territory of the former Yugoslavia are individually responsible for such breaches as serious violations of international humanitarian law.

40. The corresponding article of the statute would read:

Article 2

Grave breaches of the Geneva Conventions of 1949

The International Tribunal shall have the power to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August 1949, namely the following acts against

persons or property protected under the provisions of the relevant Geneva Convention:

- (a) wilful killing;
- (b) torture or inhuman treatment, including biological experiments;
- (c) wilfully causing great suffering or serious injury to body or health;
- (d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;
- (e) compelling a prisoner of war or a civilian to serve in the forces of a hostile power;
- (f) wilfully depriving a prisoner of war or a civilian of the rights of fair and regular trial;
- (g) unlawful deportation or transfer or unlawful confinement of a civilian;
- (h) taking civilians as hostages.

Violations of the laws or customs of war

41. The 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land and the Regulations annexed thereto comprise a second important area of conventional humanitarian international law which has become part of the body of international customary law.

42. The Nürnberg Tribunal recognized that many of the provisions contained in the Hague Regulations, although innovative at the time of their adoption were, by 1939, recognized by all civilized nations and were regarded as being declaratory of the laws and customs of war. The Nürnberg Tribunal also recognized that war crimes defined in article 6 (b) of the Nürnberg Charter were already recognized as war crimes under international law, and covered in the Hague Regulations, for which guilty individuals were punishable.

43. The Hague Regulations cover aspects of international humanitarian law which are also covered by the 1949 Geneva Conventions. However, the Hague Regulations also recognize that the right of belligerents to conduct warfare is not unlimited and that resort to certain methods of waging war is prohibited under the rules of land warfare.

44. These rules of customary law, as interpreted and applied by the Nürnberg Tribunal, provide the basis for the corresponding article of the statute which would read as follows:

Article 3

Violations of the laws or customs of war

The International Tribunal shall have the power to prosecute persons violating the laws or customs of war. Such violations shall include, but not be limited to:

- (a) employment of poisonous weapons or other weapons calculated to cause unnecessary suffering;

- (b) wanton destruction of cities, towns or villages, or devastation not justified by military necessity;
- (c) attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;
- (d) seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science;
- (e) plunder of public or private property.

Genocide

45. The 1948 Convention on the Prevention and Punishment of the Crime of Genocide confirms that genocide, whether committed in time of peace or in time of war, is a crime under international law for which individuals shall be tried and punished. The Convention is today considered part of international customary law as evidenced by the International Court of Justice in its Advisory Opinion on Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide, 1951.¹⁶

46. The relevant provisions of the Convention are reproduced in the corresponding article of the statute, which would read as follows:

Article 4

Genocide

1. The International Tribunal shall have the power to prosecute persons committing genocide as defined in paragraph 2 of the present article or of committing any of the other acts enumerated in paragraph 3 of the present article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

- (a) genocide;
- (b) conspiracy to commit genocide;
- (c) direct and public incitement to commit genocide;
- (d) attempt to commit genocide;
- (e) complicity in genocide.

Crimes against humanity

47. Crimes against humanity were first recognized in the Charter and Judgement of the Nürnberg Tribunal, as well as in Law No. 10 of the Control Council for Germany.¹⁷ Crimes against humanity are aimed at any civilian population and are prohibited regardless of whether they are committed in an armed conflict, international or internal in character.¹⁸

48. Crimes against humanity refer to inhumane acts of a very serious nature, such as wilful killing, torture or rape, committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds. In the conflict in the territory of the former Yugoslavia, such inhumane acts have taken the form of so-called "ethnic cleansing" and widespread and systematic rape and other forms of sexual assault, including enforced prostitution.

49. The corresponding article of the statute would read as follows:

Article 5

Crimes against humanity

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population:

- (a) murder;
- (b) extermination;
- (c) enslavement;
- (d) deportation;
- (e) imprisonment;
- (f) torture;
- (g) rape;
- (h) persecutions on political, racial and religious grounds;

(i) other inhumane acts.

B. Competence *ratione personae* (personal jurisdiction) and individual criminal responsibility

50. By paragraph 1 of resolution 808 (1993), the Security Council decided that the International Tribunal shall be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991. In the light of the complex of resolutions leading up to resolution 808 (1993) (see paras. 5-7 above), the ordinary meaning of the term "persons responsible for serious violations of international humanitarian law" would be natural persons to the exclusion of juridical persons.

51. The question arises, however, whether a juridical person, such as an association or organization, may be considered criminal as such and thus its members, for that reason alone, be made subject to the jurisdiction of the International Tribunal. The Secretary-General believes that this concept should not be retained in regard to the International Tribunal. The criminal acts set out in the statute are carried out by natural persons; such persons would be subject to the jurisdiction of the International Tribunal irrespective of membership in groups.

52. The corresponding article of the statute would read:

Article 6

Personal jurisdiction

The International Tribunal shall have jurisdiction over natural persons pursuant to the provisions of the present statute.

Individual criminal responsibility

53. An important element in relation to the competence *ratione personae* (personal jurisdiction) of the International Tribunal is the principle of individual criminal responsibility. As noted above, the Security Council has reaffirmed in a number of resolutions that persons committing serious violations of international humanitarian law in the former Yugoslavia are individually responsible for such violations.

54. The Secretary-General believes that all persons who participate in the planning, preparation or execution of serious violations of international humanitarian law in the former Yugoslavia contribute to the commission of the violation and are, therefore, individually responsible.

55. Virtually all of the written comments received by the Secretary-General have suggested that the statute of the International Tribunal should contain provisions with regard to the individual criminal responsibility of heads of State, government officials and persons acting in an official capacity. These suggestions draw upon the precedents following the Second World War. The statute should, therefore, contain provisions which specify that a plea of head of State immunity

or that an act was committed in the official capacity of the accused will not constitute a defence, nor will it mitigate punishment.

56. A person in a position of superior authority should, therefore, be held individually responsible for giving the unlawful order to commit a crime under the present statute. But he should also be held responsible for failure to prevent a crime or to deter the unlawful behaviour of his subordinates. This imputed responsibility or criminal negligence is engaged if the person in superior authority knew or had reason to know that his subordinates were about to commit or had committed crimes and yet failed to take the necessary and reasonable steps to prevent or repress the commission of such crimes or to punish those who had committed them.

57. Acting upon an order of a Government or a superior cannot relieve the perpetrator of the crime of his criminal responsibility and should not be a defence. Obedience to superior orders may, however, be considered a mitigating factor, should the International Tribunal determine that justice so requires. For example, the International Tribunal may consider the factor of superior orders in connection with other defences such as coercion or lack of moral choice.

58. The International Tribunal itself will have to decide on various personal defences which may relieve a person of individual criminal responsibility, such as minimum age or mental incapacity, drawing upon general principles of law recognized by all nations.

59. The corresponding article of the statute would read:

Article 7

Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as Head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 5 of the present statute were committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be

considered in mitigation of punishment if the International Tribunal determines that justice so requires.

C. *Competence ratione loci (territorial jurisdiction) and ratione temporis (temporal jurisdiction)*

60. Pursuant to paragraph 1 of resolution 808 (1993), the territorial and temporal jurisdiction of the International Tribunal extends to serious violations of international humanitarian law to the extent that they have been "committed in the territory of the former Yugoslavia since 1991".

61. As far as the territorial jurisdiction of the International Tribunal is concerned, the territory of the former Yugoslavia means the territory of the former Socialist Federal Republic of Yugoslavia, including its land surface, airspace and territorial waters.

62. With regard to temporal jurisdiction, Security Council resolution 808 (1993) extends the jurisdiction of the International Tribunal to violations committed "since 1991". The Secretary-General understands this to mean anytime on or after 1 January 1991. This is a neutral date which is not tied to any specific event and is clearly intended to convey the notion that no judgement as to the international or internal character of the conflict is being exercised.

63. The corresponding article of the statute would read:

Article 8

Territorial and temporal jurisdiction

The territorial jurisdiction of the International Tribunal shall extend to the territory of the former Socialist Federal Republic of Yugoslavia, including its land surface, airspace and territorial waters. The temporal jurisdiction of the International Tribunal shall extend to a period beginning on 1 January 1991.

D. *Concurrent jurisdiction and the principle of non bis in idem*

64. In establishing an international tribunal for the prosecution of persons responsible for serious violations committed in the territory of the former Yugoslavia since 1991, it was not the intention of the Security Council to preclude or prevent the exercise of jurisdiction by national courts with respect to such acts. Indeed national courts should be encouraged to exercise their jurisdiction in accordance with their relevant national laws and procedures.

65. It follows therefore that there is concurrent jurisdiction of the International Tribunal and national courts. This concurrent jurisdiction, however, should be subject to the primacy of the International Tribunal. At any stage of the procedure, the International Tribunal may formally request the national courts to defer to the competence of the International Tribunal. The details of how the primacy will be asserted shall

be set out in the rules of procedure and evidence of the International Tribunal.

66. According to the principle of *non bis in idem*, a person shall not be tried twice for the same crime. In the present context, given the primacy of the International Tribunal, the principle of *non bis in idem* would preclude subsequent trial before a national court. However, the principle of *non bis in idem* should not preclude a subsequent trial before the International Tribunal in the following two circumstances:

(a) The characterization of the act by the national court did not correspond to its characterization under the statute; or

(b) Conditions of impartiality, independence or effective means of adjudication were not guaranteed in the proceedings before the national courts.

67. Should the International Tribunal decide to assume jurisdiction over a person who has already been convicted by a national court, it should take into consideration the extent to which any penalty imposed by the national court has already been served.

68. The corresponding articles of the statute would read:

Article 9

Concurrent jurisdiction

1. The International Tribunal and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991.

2. The International Tribunal shall have primacy over national courts. At any stage of the procedure, the International Tribunal may formally request national courts to defer to the competence of the International Tribunal in accordance with the present statute and the rules of procedure and evidence of the International Tribunal.

Article 10

Non bis in idem

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present statute, for which he or she has already been tried by the International Tribunal.

2. A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal only if:

(a) the act for which he or she was tried was characterized as an ordinary crime; or

(b) the national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present statute, the International Tribunal shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

III. THE ORGANIZATION OF THE INTERNATIONAL TRIBUNAL

69. The organization of the International Tribunal should reflect the functions to be performed by it. Since the International Tribunal is established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia, this presupposes an international tribunal composed of a judicial organ, a prosecutorial organ and a secretariat. It would be the function of the prosecutorial organ to investigate cases, prepare indictments and prosecute persons responsible for committing the violations referred to above. The judicial organ would hear the cases presented to its Trial Chambers, and consider appeals from the Trial Chambers in its Appeals Chamber. A secretariat or Registry would be required to service both the prosecutorial and judicial organs.

70. The International Tribunal should therefore consist of the following organs: the Chambers, comprising two Trial Chambers and one Appeals Chamber; a Prosecutor; and a Registry.

71. The corresponding article of the statute would read as follows:

Article 11

Organization of the International Tribunal

The International Tribunal shall consist of the following organs:

- (a) The Chambers, comprising two Trial Chambers and an Appeals Chamber;
- (b) The Prosecutor; and
- (c) A Registry, servicing both the Chambers and the Prosecutor.

A. The Chambers

1. Composition of the Chambers

72. The Chambers should be composed of 11 independent judges, no 2 of whom may be nationals of the same State. Three judges would serve in each of the two Trial Chambers and five judges would serve in the Appeals Chamber.

73. The corresponding article of the statute would read as follows:

Article 12

Composition of the Chambers

The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

- (a) Three judges shall serve in each of the Trial Chambers;
- (b) Five judges shall serve in the Appeals Chamber.

2. Qualifications and election of judges

74. The judges of the International Tribunal should be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. Impartiality in this context includes impartiality with respect to the acts falling within the competence of the International Tribunal. In the overall composition of the Chambers, due account should be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

75. The judges should be elected by the General Assembly from a list submitted by the Security Council. The Secretary-General would invite nominations for judges from States Members of the United Nations as well as non-member States maintaining permanent observer missions at United Nations Headquarters. Within 60 days of the date of the invitation of the Secretary-General, each State would nominate up to two candidates meeting the qualifications mentioned in paragraph 74 above, who must not be of the same nationality. The Secretary-General would forward the nominations received to the Security Council. The Security Council would, as speedily as possible, establish from the nominations transmitted by the Secretary-General, a list of not less than 22 and not more than 33 candidates, taking due account of the adequate representation of the principal legal systems of the world. The President of the Security Council would then transmit the list to the General Assembly. From that list, the General Assembly would proceed as speedily as possible to elect the 11 judges of the International Tribunal. The candidates declared elected shall be those who have received an absolute majority of the votes of the States Members of the United Nations and of the States maintaining permanent observer missions at United Nations Headquarters. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

76. The judges shall be elected for a term of four years. The terms and conditions of service shall be those of the Judges of the International Court of Justice. They shall be eligible for re-election.

77. In the event of a vacancy occurring in the Chambers, the Secretary-General, after consultation with the Presidents of the Security Council and the General Assembly, would appoint a person meeting the qualifications set out in paragraph 74 above, for the remainder of the term of office concerned.

78. The corresponding article of the statute would read as follows:

Article 13

Qualifications and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of no less than twenty-two and no more than thirty-three candidates, taking due account of the adequate representation of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the eleven judges of the International Tribunal. The candidates who receive an absolute majority of the votes of States Members of the United Nations and of the non-member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

3. In the event of a vacancy in the Chambers, after consultation with the Presidents of the Security Council

and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

4. The judges shall be elected for a term of four years. The terms and conditions of service shall be those of the Judges of the International Court of justice. They shall be eligible for re-election.

3. Officers and members of the Chambers

79. The judges would elect a President of the International Tribunal from among their members who would be a member of the Appeals Chamber and would preside over the appellate proceedings.

80. Following consultation with the members of the International Tribunal, the President would assign the judges to the Appeals Chamber and to the Trial Chambers. Each judge would serve only in the chamber to which he or she was assigned.

81. The members of each Trial Chamber should elect a presiding judge who would conduct all of the proceedings before the Trial Chamber as a whole.

82. The corresponding article of the statute would read as follows:

Article 14

Officers and members of the Chambers

1. The judges of the International Tribunal shall elect a President.

2. The President of the International Tribunal shall be a member of the Appeals Chamber and shall preside over its proceedings.

3. After consultation with the judges of the International Tribunal, the President shall assign the judges to the Appeals Chamber and to the Trial Chambers. A judge shall serve only in the Chamber to which he or she was assigned.

4. The judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of the Trial Chamber as a whole.

4. Rules of procedure and evidence

83. The judges of the International Tribunal as a whole should draft and adopt the rules of procedure and evidence of the International Tribunal governing the pre-trial phase of the proceedings, the conduct of trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters.

84. The corresponding article of the statute would read as follows:

Article 15

Rules of procedure and evidence

The judges of the International Tribunal shall adopt rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters.

B. The Prosecutor

85. Responsibility for the conduct of all investigations and prosecutions of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991 should be entrusted to an independent Prosecutor. The Prosecutor should act independently as a separate organ of the International Tribunal. He or she shall not seek or receive instructions from any Government or from any other source.

86. The Prosecutor should be appointed by the Security Council, upon nomination by the Secretary-General. He or she should possess the highest level of professional competence and have extensive experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor should be appointed for a four-year term of office and be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations.

87. The Prosecutor would be assisted by such other staff as may be required to perform effectively and efficiently the functions entrusted to him or her. Such staff would be appointed by the Secretary-General on the recommendation of the Prosecutor. The Office of the Prosecutor should be composed of an investigation unit and a prosecution unit.

88. Staff appointed to the Office of the Prosecutor should meet rigorous criteria of professional experience and competence in their field. Persons should be sought who have had relevant experience in their own countries as investigators, prosecutors, criminal lawyers, law enforcement personnel or medical experts. Given the nature of the crimes committed and the sensitivities of victims of rape and sexual assault, due consideration should be given in the appointment of staff to the employment of qualified women.

89. The corresponding article of the statute would read as follows:

Article 16

The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Office of the Prosecutor shall be composed of a Prosecutor and such other qualified staff as may be required.

4. The Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General. He or she shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations.

5. The staff of the Office of the Prosecutor shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

C. The Registry

90. As indicated in paragraph 69 above, a Registry would be responsible for the servicing of the International Tribunal. The Registry would be headed by a Registrar, whose responsibilities shall include but should not be limited to the following:

- (a) Public information and external relations;
- (b) Preparation of minutes of meetings;
- (c) Conference-service facilities;
- (d) Printing and publication of all documents;
- (e) All administrative work, budgetary and personnel matters; and
- (f) Serving as the channel of communications to and from the International Tribunal.

91. The Registrar should be appointed by the Secretary-General after consultation with the President of the International Tribunal. He or she would be appointed to serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

92. The corresponding article of the statute would read as follows:

Article 17

The Registry

1. The Registry shall be responsible for the administration and servicing of the International Tribunal.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

IV. INVESTIGATION AND PRE-TRIAL PROCEEDINGS

93. The Prosecutor would initiate investigations *ex officio*, or on the basis of information obtained from any source, particularly from Governments or United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor would assess the information received or obtained and decide whether there is a sufficient basis to proceed.

94. In conducting his investigations, the Prosecutor should have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

95. Upon the completion of the investigation, if the Prosecutor has determined that a *prima facie* case exists for prosecution, he would prepare an indictment containing a concise statement of the facts and the crimes with which the accused is charged under the statute. The indictment would be transmitted to a judge of a Trial Chamber, who would review it and decide whether to confirm or to dismiss the indictment.

96. If the investigation includes questioning of the suspect, then he should have the right to be assisted by counsel of his own choice, including the right to have legal assistance assigned to him without payment by him in any such case if he does not have sufficient means to pay for it. He shall also be entitled to the necessary translation into and from a language he speaks and understands.

97. Upon confirmation of the indictment, the judge would, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender and transfer of persons, or any other orders as may be necessary for the conduct of the trial.

98. The corresponding articles of the statute would read as follows:

Article 18

Investigation and preparation of indictment

1. The Prosecutor shall initiate investigations *ex officio* or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the

information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site investigations. In carrying out these tasks the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his own choice, including the right to have legal assistance assigned to him without payment by him in any such case if he does not have sufficient means to pay for it, as well as to necessary translation into and from a language he speaks and understands.

4. Upon a determination that a *prima facie* case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which the accused is charged under the present statute. The indictment shall be transmitted to a judge of the Trial Chamber.

Article 19

Review of the indictment

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a *prima facie* case has been established by the Prosecutor, he shall confirm the indictment. If not so satisfied, the indictment shall be dismissed.

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

V. TRIAL AND POST-TRIAL PROCEEDINGS

A. Commencement and conduct of trial proceedings

99. The Trial Chambers should ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence and with full respect for the rights of the accused. The Trial Chamber should also provide appropriate protection for victims and witnesses during the proceedings.

100. A person against whom an indictment has been confirmed would, pursuant to an order or a warrant of the International Tribunal, be informed of the contents of the indictment and taken into custody.

101. A trial should not commence until the accused is physically present before the International Tribunal. There is a widespread perception that trials *in absentia* should not be provided for in the statute as this would not be consistent with article 14 of the International Covenant on Civil and Political

Rights,¹⁹ which provides that the accused shall be entitled to be tried in his presence.

102. The person against whom an indictment has been confirmed would be transferred to the seat of the International Tribunal and brought before a Trial Chamber without undue delay and formally charged. The Trial Chamber would read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. After the plea has been entered, the Trial Chamber would set the date for trial.

103. The hearings should be held in public unless the Trial Chamber decides otherwise in accordance with its rules of procedure and evidence.

104. After hearing the submissions of the parties and examining the witnesses and evidence presented to it, the Trial Chamber would close the hearing and retire for private deliberations.

105. The corresponding article of the statute would read:

Article 20

Commencement and conduct of trial proceedings

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal, be taken into custody, immediately informed of the charges against him and transferred to the International Tribunal.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

B. Rights of the accused

106. It is axiomatic that the International Tribunal must fully respect internationally recognized standards regarding the rights of the accused at all stages of its proceedings. In the view of the Secretary-General, such internationally recognized standards are, in particular, contained in article 14 of the International Covenant on Civil and Political Rights.¹⁹

107. The corresponding article of the statute would read as follows:

Article 21

Rights of the accused

1. All persons shall be equal before the International Tribunal.

2. In the determination of charges against him, the accused shall be entitled to a fair and public hearing, subject to article 22 of the of the present statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present statute.

4. In the determination of any charge against the accused pursuant to the present statute, the accused shall be entitled to the following minimum guarantees, in full equality:

(a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) to be tried without undue delay;

(d) to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) to have the free assistance of an interpreter if he cannot understand or speak the language used in the International Tribunal;

(g) not to be compelled to testify against himself or to confess guilt.

C. Protection of victims and witnesses

108. In the light of the particular nature of the crimes committed in the former Yugoslavia, it will be necessary for the International Tribunal to ensure the protection of victims and witnesses. Necessary protection measures should therefore be provided in the rules of procedure and evidence for victims and witnesses, especially in cases of rape or sexual assault. Such measures should include, but should not be limited to the

conduct of *in camera* proceedings, and the protection of the victim's identity.

109. The corresponding article of the statute would read as follows:

Article 22

Protection of victims and witnesses

The International Tribunal shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of *in camera* proceedings and the protection of the victim's identity.

D. Judgement and penalties

110. The Trial Chambers would have the power to pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law. A judgement would be rendered by a majority of the judges of the Chamber and delivered in public. It should be written and accompanied by a reasoned opinion. Separate or dissenting opinions should be permitted.

111. The penalty to be imposed on a convicted person would be limited to imprisonment. In determining the term of imprisonment, the Trial Chambers should have recourse to the general practice of prison sentences applicable in the courts of the former Yugoslavia.

112. The International Tribunal should not be empowered to impose the death penalty.

113. In imposing sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

114. In addition to imprisonment, property and proceeds acquired by criminal conduct should be confiscated and returned to their rightful owners. This would include the return of property wrongfully acquired by means of duress. In this connection the Secretary-General recalls that in its resolution 779 (1992) of 6 October 1992, the Security Council endorsed the principle that all statements or commitments made under duress, particularly those relating to land and property, are wholly null and void.

115. The corresponding articles of the statute would read as follows:

Article 23

Judgement

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

Article 24

Penalties

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of the former Yugoslavia.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

E. Appellate and review proceedings

116. The Secretary-General is of the view that the right of appeal should be provided for under the statute. Such a right is a fundamental element of individual civil and political rights and has, *inter alia*, been incorporated in the International Covenant on Civil and Political Rights. For this reason, the Secretary-General has proposed that there should be an Appeals Chamber.

117. The right of appeal should be exercisable on two grounds: an error on a question of law invalidating the decision or, an error of fact which has occasioned a miscarriage of justice. The Prosecutor should also be entitled to initiate appeal proceedings on the same grounds.

118. The judgement of the Appeals Chamber affirming, reversing or revising the judgement of the Trial Chamber would be final. It would be delivered by the Appeals Chamber in public and be accompanied by a reasoned opinion to which separate or dissenting opinions may be appended.

119. Where a new fact has come to light which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber, and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor should be authorized to submit to the International Tribunal an application for review of the judgement.

120. The corresponding articles of the statute would read as follows:

Article 25

Appellate proceedings

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

- (a) an error on a question of law invalidating the decision; or
- (b) an error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

Article 26

Review proceedings

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal an application for review of the judgement.

F. Enforcement of sentences

121. The Secretary-General is of the view that, given the nature of the crimes in question and the international character of the Tribunal, the enforcement of sentences should take place outside the territory of the former Yugoslavia. States should be encouraged to declare their readiness to carry out the enforcement of prison sentences in accordance with their domestic laws and procedures, under the supervision of the International Tribunal.

122. The Security Council would make appropriate arrangements to obtain from States an indication of their willingness to accept convicted persons. This information would be communicated to the Registrar, who would prepare a list of States in which the enforcement of sentences would be carried out.

123. The accused would be eligible for pardon or commutation of sentence in accordance with the laws of the State in which sentence is served. In such an event, the State concerned would notify the International Tribunal, which would decide the matter in accordance with the interests of justice and the general principles of law.

124. The corresponding article of the statute would read as follows:

Article 27

Enforcement of sentences

Imprisonment shall be served in a State designated by the International Tribunal from a list of States which have indicated to the Security Council their willingness to accept convicted persons. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal.

Article 28

Pardon or commutation of sentences

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal accordingly. The President of the International Tribunal, in consultation with the judges, shall decide the matter on the basis of the interests of justice and the general principles of law.

VI. COOPERATION AND JUDICIAL ASSISTANCE

125. As pointed out in paragraph 23 above, the establishment of the International Tribunal on the basis of a Chapter VII of the Charter decision creates a binding obligation on all States to take whatever steps are required to implement the decision. In practical terms, this means that all States would be under an obligation to cooperate with the International Tribunal and to assist it in all stages of the proceedings to ensure compliance with requests for assistance in the gathering of evidence, hearing of witnesses, suspects and experts, identification and location of persons and the service of documents. Effect shall also be given to orders issued by the Trial Chambers, such as warrants of arrest, search warrants, warrants for surrender or transfer of persons, and any other orders necessary for the conduct of the trial.

126. In this connection, an order by a Trial Chamber for the surrender or transfer of persons to the custody of the International Tribunal shall be considered to be the application of an enforcement measure under Chapter VII of the Charter.

127. The corresponding article of the statute would read as follows:

Article 29

Cooperation and judicial assistance

1. States shall cooperate with the International Tribunal in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:

- (a) the identification and location of persons;
- (b) the taking of testimony and the production of evidence;
- (c) the service of documents;
- (d) the arrest or detention of persons;
- (e) the surrender or the transfer of the accused to the International Tribunal.

VII. GENERAL PROVISIONS

A. *The status, privileges and immunities of the International Tribunal*

128. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946⁸ would apply to the International Tribunal, the judges, the Prosecutor and his staff, and the Registrar and his staff. The judges, the Prosecutor, and the Registrar would be granted the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law. The staff of the Prosecutor and the Registrar would enjoy the privileges and immunities of officials of the United Nations within the meaning of articles V and VII of the Convention.

129. Other persons, including the accused, required at the seat of the International Tribunal would be accorded such treatment as is necessary for the proper functioning of the International Tribunal.

130. The corresponding article of the statute would read:

Article 30

The status, privileges and immunities of the International Tribunal

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to the International Tribunal, the judges, the Prosecutor and his staff, and the Registrar and his staff.

2. The judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of the present article.

4. Other persons, including the accused, required at the seat of the International Tribunal shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal.

B. *Seat of the International Tribunal*

131. While it will be for the Security Council to determine the location of the seat of the International Tribunal, in the view of the Secretary-General, there are a number of elementary considerations of justice and fairness, as well as administrative efficiency and economy which should be taken into account. As a matter of justice and fairness, it would not be appropriate for the International Tribunal to have its seat in the territory of the former Yugoslavia or in any State neighbouring upon the former Yugoslavia. For reasons of administrative efficiency and economy, it would be desirable to establish the seat of the International Tribunal at a European location in which the United Nations already has an important presence. The two locations which fulfil these requirements are Geneva and The Hague. Provided that the necessary arrangements can be made with the host country, the Secretary-General believes that the seat of the International Tribunal should be at The Hague.

132. The corresponding article of the statute would read:

Article 31

Seat of the International Tribunal

The International Tribunal shall have its seat at The Hague.

C. *Financial arrangements*

133. The expenses of the International Tribunal should be borne by the regular budget of the United Nations in accordance with Article 17 of the Charter.

134. The corresponding article of the statute would read:

Article 32

Expenses of the International Tribunal

The expenses of the International Tribunal shall be borne by the regular budget of the United Nations in accordance with Article 17 of the Charter of the United Nations.

D. *Working languages*

135. The working languages of the Tribunal should be English and French.

136. The corresponding article of the statute would read as follows:

Article 33
Working languages

The working languages of the International Tribunal shall be English and French.

E. Annual report

137. The International Tribunal should submit an annual report on its activities to the Security Council and the General Assembly.

138. The corresponding article of the statute would read:

Article 34

Annual report

The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

ANNEX

Statute of the International Tribunal

Having been established by the Security Council acting under Chapter VII of the Charter of the United Nations, the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (hereinafter referred to as "the International Tribunal") shall function in accordance with the provisions of the present statute.

Article 1

Competence of the International Tribunal

The International Tribunal shall have the power to prosecute persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 in accordance with the provisions of the present statute.

Article 2

Grave breaches of the Geneva Conventions of 1949

The International Tribunal shall have the power to prosecute persons committing or ordering to be committed grave breaches of the Geneva Conventions of 12 August 1949, namely the following acts against persons or property protected under the provisions of the relevant Geneva Convention:

- (a) wilful killing;
- (b) torture or inhuman treatment, including biological experiments;
- (c) wilfully causing great suffering or serious injury to body or health;
- (d) extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;

(e) compelling a prisoner of war or a civilian to serve in the forces of a hostile power;

(f) wilfully depriving a prisoner of war or a civilian of the rights of fair and regular trial;

(g) unlawful deportation or transfer or unlawful confinement of a civilian;

(h) taking civilians as hostages.

Article 3

Violations of the laws or customs of war

The International Tribunal shall have the power to prosecute persons violating the laws or customs of war. Such violations shall include, but not be limited to:

(a) employment of poisonous weapons or other weapons calculated to cause unnecessary suffering;

(b) wanton destruction of cities, towns or villages, or devastation not justified by military necessity;

(c) attack, or bombardment, by whatever means, of undefended towns, villages, dwellings, or buildings;

(d) seizure of, destruction or wilful damage done to institutions dedicated to religion, charity and education, the arts and sciences, historic monuments and works of art and science;

(e) plunder of public or private property.

Article 4

Genocide

1. The International Tribunal shall have the power to prosecute persons committing genocide as defined in paragraph 2 of the present article or of committing any of the other acts enumerated in paragraph 3 of the present article.

2. Genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) killing members of the group;
- (b) causing serious bodily or mental harm to members of the group;
- (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) imposing measures intended to prevent births within the group;
- (e) forcibly transferring children of the group to another group.

3. The following acts shall be punishable:

- (a) genocide;
- (b) conspiracy to commit genocide;
- (c) direct and public incitement to commit genocide;

- (d) attempt to commit genocide;
- (e) complicity in genocide.

Article 5

Crimes against humanity

The International Tribunal shall have the power to prosecute persons responsible for the following crimes when committed in armed conflict, whether international or internal in character, and directed against any civilian population:

- (a) murder;
- (b) extermination;
- (c) enslavement;
- (d) deportation;
- (e) imprisonment;
- (f) torture;
- (g) rape;
- (h) persecutions on political, racial and religious grounds;
- (i) other inhumane acts.

Article 6

Personal jurisdiction

The International Tribunal shall have jurisdiction over natural persons pursuant to the provisions of the present statute.

Article 7

Individual criminal responsibility

1. A person who planned, instigated, ordered, committed or otherwise aided and abetted in the planning, preparation or execution of a crime referred to in articles 2 to 5 of the present statute, shall be individually responsible for the crime.

2. The official position of any accused person, whether as head of State or Government or as a responsible Government official, shall not relieve such person of criminal responsibility nor mitigate punishment.

3. The fact that any of the acts referred to in articles 2 to 5 of the present statute were committed by a subordinate does not relieve his superior of criminal responsibility if he knew or had reason to know that the subordinate was about to commit such acts or had done so and the superior failed to take the necessary and reasonable measures to prevent such acts or to punish the perpetrators thereof.

4. The fact that an accused person acted pursuant to an order of a Government or of a superior shall not relieve him of criminal responsibility, but may be considered in mitigation of punishment if the International Tribunal determines that justice so requires.

Article 8

Territorial and temporal jurisdiction

The territorial jurisdiction of the International Tribunal shall extend to the territory of the former Socialist Federal Republic of Yugoslavia, including its land surface, airspace and territorial waters.

The temporal jurisdiction of the International Tribunal shall extend to a period beginning on 1 January 1991.

Article 9

Concurrent jurisdiction

1. The International Tribunal and national courts shall have concurrent jurisdiction to prosecute persons for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991.

2. The International Tribunal shall have primacy over national courts. At any stage of the procedure, the International Tribunal may formally request national courts to defer to the competence of the International Tribunal in accordance with the present statute and the rules of procedure and evidence of the International Tribunal.

Article 10

Non bis in idem

1. No person shall be tried before a national court for acts constituting serious violations of international humanitarian law under the present statute, for which he or she has already been tried by the International Tribunal.

2. A person who has been tried by a national court for acts constituting serious violations of international humanitarian law may be subsequently tried by the International Tribunal only if:

- (a) the act for which he or she was tried was characterized as an ordinary crime; or
- (b) the national court proceedings were not impartial or independent, were designed to shield the accused from international criminal responsibility, or the case was not diligently prosecuted.

3. In considering the penalty to be imposed on a person convicted of a crime under the present statute, the International Tribunal shall take into account the extent to which any penalty imposed by a national court on the same person for the same act has already been served.

Article 11

Organization of the International Tribunal

The International Tribunal shall consist of the following organs:

- (a) The Chambers, comprising two Trial Chambers and an Appeals Chamber;
- (b) The Prosecutor; and
- (c) A Registry, servicing both the Chambers and the Prosecutor.

Article 12

Composition of the Chambers

The Chambers shall be composed of eleven independent judges, no two of whom may be nationals of the same State, who shall serve as follows:

- (a) Three judges shall serve in each of the Trial Chambers.
- (b) Five judges shall serve in the Appeals Chamber.

Article 13

Qualifications and election of judges

1. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to the highest judicial offices. In the overall composition of the Chambers due account shall be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

2. The judges of the International Tribunal shall be elected by the General Assembly from a list submitted by the Security Council, in the following manner:

(a) The Secretary-General shall invite nominations for judges of the International Tribunal from States Members of the United Nations and non-member States maintaining permanent observer missions at United Nations Headquarters;

(b) Within sixty days of the date of the invitation of the Secretary-General, each State may nominate up to two candidates meeting the qualifications set out in paragraph 1 above, no two of whom shall be of the same nationality;

(c) The Secretary-General shall forward the nominations received to the Security Council. From the nominations received the Security Council shall establish a list of no less than twenty-two and no more than thirty-three candidates, taking due account of the adequate representation of the principal legal systems of the world;

(d) The President of the Security Council shall transmit the list of candidates to the President of the General Assembly. From that list the General Assembly shall elect the eleven judges of the International Tribunal. The candidates who receive an absolute majority of the votes of the States Members of the United Nations and of the non-Member States maintaining permanent observer missions at United Nations Headquarters, shall be declared elected. Should two candidates of the same nationality obtain the required majority vote, the one who received the higher number of votes shall be considered elected.

3. In the event of a vacancy in the Chambers, after consultation with the Presidents of the Security Council¹ and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of paragraph 1 above, for the remainder of the term of office concerned.

4. The judges shall be elected for a term of four years. The terms and conditions of service shall be those of the judges of the International Court of Justice. They shall be eligible for re-election.

Article 14

Officers and members of the Chambers

1. The judges of the International Tribunal shall elect a President.

2. The President of the International Tribunal shall be a member of the Appeals Chamber and shall preside over its proceedings.

3. After consultation with the judges of the International Tribunal, the President shall assign the judges to the Appeals Chamber and to the Trial Chambers. A judge shall serve only in the Chamber to which he or she was assigned.

4. The judges of each Trial Chamber shall elect a Presiding Judge, who shall conduct all of the proceedings of the Trial Chamber as a whole.

Article 15

Rules of procedure and evidence

The judges of the International Tribunal shall adopt rules of procedure and evidence for the conduct of the pre-trial phase of the proceedings, trials and appeals, the admission of evidence, the protection of victims and witnesses and other appropriate matters.

Article 16

The Prosecutor

1. The Prosecutor shall be responsible for the investigation and prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1 January 1991.

2. The Prosecutor shall act independently as a separate organ of the International Tribunal. He or she shall not seek or receive instructions from any Government or from any other source.

3. The Office of the Prosecutor shall be composed of a Prosecutor and such other qualified staff as may be required.

4. The Prosecutor shall be appointed by the Security Council on nomination by the Secretary-General. He or she shall be of high moral character and possess the highest level of competence and experience in the conduct of investigations and prosecutions of criminal cases. The Prosecutor shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Prosecutor shall be those of an Under-Secretary-General of the United Nations.

5. The staff of the Office of the Prosecutor shall be appointed by the Secretary-General on the recommendation of the Prosecutor.

Article 17

The Registry

1. The Registry shall be responsible for the administration and servicing of the International Tribunal.

2. The Registry shall consist of a Registrar and such other staff as may be required.

3. The Registrar shall be appointed by the Secretary-General after consultation with the President of the International Tribunal. He or she shall serve for a four-year term and be eligible for reappointment. The terms and conditions of service of the Registrar shall be those of an Assistant Secretary-General of the United Nations.

4. The staff of the Registry shall be appointed by the Secretary-General on the recommendation of the Registrar.

Article 18

Investigation and preparation of indictment

1. The Prosecutor shall initiate investigations *ex-officio* or on the basis of information obtained from any source, particularly from Governments, United Nations organs, intergovernmental and non-governmental organizations. The Prosecutor shall assess the information received or obtained and decide whether there is sufficient basis to proceed.

2. The Prosecutor shall have the power to question suspects, victims and witnesses, to collect evidence and to conduct on-site

investigations. In carrying out these tasks, the Prosecutor may, as appropriate, seek the assistance of the State authorities concerned.

3. If questioned, the suspect shall be entitled to be assisted by counsel of his own choice, including the right to have legal assistance assigned to him without payment by him in any such case if he does not have sufficient means to pay for it, as well as to necessary translation into and from a language he speaks and understands.

4. Upon a determination that a *prima facie* case exists, the Prosecutor shall prepare an indictment containing a concise statement of the facts and the crime or crimes with which the accused is charged under the statute. The indictment shall be transmitted to a judge of the Trial Chamber.

Article 19

Review of the indictment

1. The judge of the Trial Chamber to whom the indictment has been transmitted shall review it. If satisfied that a *prima facie* case has been established by the Prosecutor, he shall confirm the indictment. If not so satisfied, the indictment shall be dismissed.

2. Upon confirmation of an indictment, the judge may, at the request of the Prosecutor, issue such orders and warrants for the arrest, detention, surrender or transfer of persons, and any other orders as may be required for the conduct of the trial.

Article 20

Commencement and conduct of trial proceedings

1. The Trial Chambers shall ensure that a trial is fair and expeditious and that proceedings are conducted in accordance with the rules of procedure and evidence, with full respect for the rights of the accused and due regard for the protection of victims and witnesses.

2. A person against whom an indictment has been confirmed shall, pursuant to an order or an arrest warrant of the International Tribunal, be taken into custody, immediately informed of the charges against him and transferred to the International Tribunal.

3. The Trial Chamber shall read the indictment, satisfy itself that the rights of the accused are respected, confirm that the accused understands the indictment, and instruct the accused to enter a plea. The Trial Chamber shall then set the date for trial.

4. The hearings shall be public unless the Trial Chamber decides to close the proceedings in accordance with its rules of procedure and evidence.

Article 21

Rights of the accused

1. All persons shall be equal before the International Tribunal.

2. In the determination of charges against him, the accused shall be entitled to a fair and public hearing, subject to article 22 of the present statute.

3. The accused shall be presumed innocent until proved guilty according to the provisions of the present statute.

4. In the determination of any charge against the accused pursuant to the present statute, the accused shall be entitled to the following minimum guarantees, in full equality:

(a) to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) to have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) to be tried without undue delay;

(d) to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) to examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) to have the free assistance of an interpreter if he cannot understand or speak the language used in the International Tribunal;

(g) not to be compelled to testify against himself or to confess guilt.

Article 22

Protection of victims and witnesses

The International Tribunal shall provide in its rules of procedure and evidence for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of *in camera* proceedings and the protection of the victim's identity.

Article 23

Judgement

1. The Trial Chambers shall pronounce judgements and impose sentences and penalties on persons convicted of serious violations of international humanitarian law.

2. The judgement shall be rendered by a majority of the judges of the Trial Chamber, and shall be delivered by the Trial Chamber in public. It shall be accompanied by a reasoned opinion in writing, to which separate or dissenting opinions may be appended.

Article 24

Penalties

1. The penalty imposed by the Trial Chamber shall be limited to imprisonment. In determining the terms of imprisonment, the Trial Chambers shall have recourse to the general practice regarding prison sentences in the courts of the former Yugoslavia.

2. In imposing the sentences, the Trial Chambers should take into account such factors as the gravity of the offence and the individual circumstances of the convicted person.

3. In addition to imprisonment, the Trial Chambers may order the return of any property and proceeds acquired by criminal conduct, including by means of duress, to their rightful owners.

Article 25

Appellate proceedings

1. The Appeals Chamber shall hear appeals from persons convicted by the Trial Chambers or from the Prosecutor on the following grounds:

- (a) an error on a question of law invalidating the decision; or
- (b) an error of fact which has occasioned a miscarriage of justice.

2. The Appeals Chamber may affirm, reverse or revise the decisions taken by the Trial Chambers.

Article 26
Review proceedings

Where a new fact has been discovered which was not known at the time of the proceedings before the Trial Chambers or the Appeals Chamber and which could have been a decisive factor in reaching the decision, the convicted person or the Prosecutor may submit to the International Tribunal an application for review of the judgement.

Article 27
Enforcement of sentences

Imprisonment shall be served in a State designated by the International Tribunal from a list of States which have indicated to the Security Council their willingness to accept convicted persons. Such imprisonment shall be in accordance with the applicable law of the State concerned, subject to the supervision of the International Tribunal.

Article 28
Pardon or commutation of sentences

If, pursuant to the applicable law of the State in which the convicted person is imprisoned, he or she is eligible for pardon or commutation of sentence, the State concerned shall notify the International Tribunal accordingly. The President of the International Tribunal, in consultation with the judges, shall decide the matter on the basis of the interests of justice and the general principles of law.

Article 29
Cooperation and judicial assistance

1. States shall cooperate with the International Tribunal in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

2. States shall comply without undue delay with any request for assistance or an order issued by a Trial Chamber, including, but not limited to:

- (a) the identification and location of persons;
- (b) the taking of testimony and the production of evidence;
- (c) the service of documents;
- (d) the arrest or detention of persons;
- (e) the surrender or the transfer of the accused to the International Tribunal.

Article 30
The status, privileges and immunities of the International Tribunal

1. The Convention on the Privileges and Immunities of the United Nations of 13 February 1946 shall apply to the International

Tribunal, the judges, the Prosecutor and his staff, and the Registrar and his staff.

2. The judges, the Prosecutor and the Registrar shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic envoys, in accordance with international law.

3. The staff of the Prosecutor and of the Registrar shall enjoy the privileges and immunities accorded to officials of the United Nations under articles V and VII of the Convention referred to in paragraph 1 of the present article.

4. Other persons, including the accused, required at the seat of the International Tribunal shall be accorded such treatment as is necessary for the proper functioning of the International Tribunal.

Article 31
Seat of the International Tribunal

The International Tribunal shall have its seat at The Hague.

Article 32
Expenses of the International Tribunal

The expenses of the International Tribunal shall be borne by the regular budget of the United Nations in accordance with Article 17 of the Charter of the United Nations.

Article 33
Working languages

The working languages of the International Tribunal shall be English and French.

Article 34
Annual report

The President of the International Tribunal shall submit an annual report of the International Tribunal to the Security Council and to the General Assembly.

DOCUMENT S/25704/ADD.1

[Original: English]
[19 May 1993]

1. In my letter dated 3 May 1993 to the President of the Security Council by which I informed him of the submission of the report on the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991, I also indicated that an addendum containing cost estimates relating to the implementation of the report would also be submitted.

2. Should the Security Council establish the international tribunal on the basis set out in the main part of the report, it is estimated that the operating costs of the Tribunal for the first full year of operation would be approximately \$31.2 million. It should be stressed that these are preliminary estimates and

further review and revision of basic assumptions would be necessary.

3. A breakdown of the estimated operating costs for the first full year of operation of the tribunal, by main categories of expenditure, is provided for information purposes in the annex to the present addendum. These estimates cover staff of 373, plus 11 judges and related operating costs, including language and verbatim records services, but do not include a significant number of costs for which no accurate estimates can be ascertained at this time. Not included are, among others, possible rental of premises, detention facilities before and during the trial, imprisonment and other costs which may arise in the course of establishing the Tribunal.

ANNEX

Cost estimate

(Thousands of United States dollars)

<i>Objects of expenditure</i>	<i>First full year of operation</i>
1. The Chambers	3 600
2. The Prosecutor	5 300
3. The Registry (including conference services)	19 900
4. Programme support (including external printing, equipment, communications and supplies)	2 400
Total	<u>31 200</u>

DOCUMENT S/25708

Report of the Secretary-General on the activities of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia

*[Original: English]
[30 April 1993]*

INTRODUCTION

1. The present report deals with the activities of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia since the issuance of the report of the Secretary-General of 26 March 1993 [S/25479].

I. THE SITUATION IN BOSNIA AND HERZEGOVINA

2. The Co-Chairmen have continued their efforts to help alleviate the humanitarian situation in Bosnia and Herzegovina; to persuade the Bosnian Serb side to sign the two remaining documents of the peace plan; and to prepare for the implementation of the peace plan upon completion of signature.

3. Between 21 and 25 April, Lord Owen accompanied by Mr. Vance's Special Adviser, led a delegation on behalf of the Co-Chairmen to the area of the former Yugoslavia. On Wednesday, 21 April, Lord Owen had a one-hour meeting at Zagreb airport with the Croatian Defence Minister, Gojko Susak. Talks focused on the fighting in central Bosnia and Herzegovina between Bosnian Croats and Bosnian government troops.

4. Lord Owen went on to Belgrade that day for a two-hour meeting with the President of the Federal Republic of Yugoslavia, Dobrica Cosic. Detailed discussions were held on the "throughway concept". Lord Owen then met with President Slobodan Milosevic, particularly concentrating on the issue of the map and the northern corridor. With his military adviser, and the UNPROFOR [United Nations Protection Force] military adviser to the Conference, he met for three hours with General Ratko Mladic.

5. Later that evening Lord Owen had a further meeting with President Cosic and President Milosevic, who were joined by Mr. Radovan Karadzic, leader of the Bosnian Serbs.

6. On Thursday, 22 April, Lord Owen's programme focused on the situation between the Republic of Greece and the Former Yugoslav Republic of Macedonia, meeting with President Gligorov at Skopje and Prime Minister Mitsotakis in Greece. On Friday, 23 April, he flew to Skopje to see President Gligorov again, and then flew to Montenegro for a meeting with President Bulatovic. Later, he met President Milosevic at Belgrade.

7. On Saturday, 24 April, Lord Owen had a meeting with the Bosnian Serbs in a session lasting over three hours, which was attended on the Bosnian Serb side by Mr. Karadzic, the Bosnian Serb "Assembly" President Momcilo Krajisnik and General Mladic. Subsequently, he met again with Presidents Cosic and Milosevic.

8. Lord Owen left Belgrade on Saturday afternoon, arriving at Zagreb at about 3 p.m. He then held a series of meetings, the first with Croatian Defence Minister Susak and the Bosnian Croat leader, Mr. Mate Boban. The problem of central Bosnia was discussed, along with the possibility of instituting a military arrangement to reduce the tension between the two allied forces.

9. Lord Owen met at 5 p.m. that day with the President of Bosnia and Herzegovina, Alija Izetbegovic. Lord Owen then proceeded to the residence of the President of the Republic of Croatia, Franjo Tudjman, where he had a round of talks with Mr. Tudjman, Mr. Boban, the Croatian Defence Minister and other ministers. A second round of talks was held at 9 p.m., with the addition of President Izetbegovic. That session produced, at about 1 a.m., a cease-fire agreement, including an agreement between the two military leaders on the coordination of efforts to eliminate conflict between their forces in central Bosnia.

10. On Sunday morning, 25 April, Lord Owen met with the UNPROFOR Force Commander, Lieutenant-General Lars-Eric

Wahlgren, in a two-hour meeting to discuss the implementation of the Vance-Owen plan.

11. At midday Sunday, Lord Owen returned to Belgrade at the request of President Cosic and President Milosevic. President Bulatovic also joined the group, for a meeting that lasted more than six hours. Halfway through the meeting, the group was joined by Mr. Karadzic and Mr. Krajisnik, whose Bosnian Serb "Assembly" was due to consider and vote on the peace plan. Lord Owen stayed overnight at Belgrade and that night Presidents Cosic, Milosevic and Bulatovic wrote a letter to the Bosnians urging them to accept the peace plan. At 6 a.m. Monday, 26 April, the "Assembly" did not accept the peace plan, but decided to put the issue to a referendum. Lord Owen visited Bonn, Copenhagen, London and Paris before returning to New York on Wednesday, 28 April.

12. The Co-Chairmen then continued their efforts to persuade the Bosnian Serb side to sign the outstanding two documents of the peace plan. On Thursday, 29 April, they were informed that the Bosnian Serb decision to hold a referendum had been superseded by a decision to hold a fresh meeting on Wednesday, 5 May. They were also informed of the decision of the Serbian and Montenegrin Parliaments to support the three presidents. In the light of these developments, the Co-Chairmen, Cyrus Vance and Lord Owen, together with Co-Chairman-designate, Mr. Thorvald Stoltenberg, decided to convene a meeting, starting on Saturday, 1 May, at Athens, with the generous hospitality of Prime Minister Mitsotakis. The following persons agreed to attend:

- President A. Izetbegovic (Bosnia and Herzegovina)
- President F. Tudjman (Croatia)
- President D. Cosic (Federal Republic of Yugoslavia (Serbia and Montenegro))
- President S. Milosevic (Serbia)
- President M. Bulatovic (Montenegro)
- Mr. M. Boban
- Mr. R. Karadzic

The meeting will begin on Saturday evening, 1 May, and the Co-Chairmen will report separately on it.

II. THE SITUATION IN THE UNITED NATIONS PROTECTED AREAS IN CROATIA

13. In its resolution 802 (1993), adopted on 25 January 1993 in the wake of the 22 January military incursion by Croatia into part of a pink zone and a UNPA [United Nations Protected Areas] around the Maslenica Bridge, the Security Council demanded the immediate cessation of hostile activities by Croatian armed forces and the withdrawal of the Croatian armed forces from these areas. The Security Council also demanded that the heavy weapons seized by the Serbs from the

UNPROFOR-controlled storage areas in the wake of the Croatian incursion be returned immediately to UNPROFOR.

14. By its resolution 807 (1993), of 19 February, the Security Council reiterated these demands and urged the parties and others concerned fully to cooperate with the Co-Chairmen in discussions under their auspices to ensure full implementation of the United Nations peace-keeping mandate in Croatia.

15. At the conclusion of negotiations conducted under the auspices of the Co-Chairmen from mid-February, successively in New York, Geneva, Zagreb, Belgrade, New York and Geneva, on 6 April, an agreement in implementation of Security Council resolution 802 (1993) was signed by a representative of the Croatian Government and a representative of the Serb local authorities. The agreement provides for a cessation of hostilities four days after its entry into force. Within five days of the cessation of hostilities, the Croatian armed forces should start returning to the lines of confrontation existing before the outbreak of hostilities on 22 January and complete this return within a further five days. In parallel to the withdrawal of the Croatian government armed forces, all Serb heavy weapons (that is, not only those seized from UNPROFOR control after 22 January) are to be placed under the supervision of UNPROFOR in accordance with the Vance plan. The Maslenica Bridge, Zemunik Airport and the Peruca Dam are to be placed under complete UNPROFOR control for the purpose of restoring them to general civilian use.

16. Under the agreement, the parties undertake to commence talks under the auspices of the Co-Chairmen, no later than 15 days after its entry into force (that is, just after the completion of implementation of the military provisions), and to implement the remaining provisions of the Vance plan and of all relevant resolutions of the Security Council, including resolution 762 (1992).

17. The agreement provided that it would enter into force when both parties have assured the Co-Chairmen that neither of them will station any police within any area from which Croatian government armed forces withdraw; in those areas, UNPROFOR shall for the time being exclusively fulfil all police functions. The Croatians orally gave that assurance at the time of signature; the Serb assurance requires the approval of their Assembly. That approval has so far not been forthcoming and further talks took place at Geneva with Serb representatives on Friday, 30 April. Additional meetings are planned to take place next week. Some of the related issues between Serbia and Croatia may be discussed in the margins of the Athens meeting.

III. THE DIFFERENCE BETWEEN THE REPUBLIC OF GREECE AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

18. On 12 and 13 April, the Co-Chairmen held discussions in New York with delegations from the Former Yugoslav Republic of Macedonia and from Greece. Between 14 and 25 April, technical work was carried out among legal experts

from the secretariat of the International Conference on the Former Yugoslavia and the two delegations with a view to preparing a draft agreement for consideration. Additionally, Lord Owen, accompanied by Mr. Vance's Special Adviser, held talks with the parties in their capitals. The Co-Chairmen had further discussions with delegations from the Former Yugoslav Republic of Macedonia and from Greece from 26 to 29 April. Information on these discussions will be contained in a separate report from the Co-Chairmen to the Secretary-General as soon as they are ready to make a final report.

IV. SUCCESSION ISSUES

19. At the request of the Chairman of the Conference's Working Group on Succession Issues, and with a view to settling relations among the successor Republics in the former Yugoslavia, the Co-Chairmen, on 20 April 1993, submitted a request to the Conference's Arbitration Commission for an advisory opinion on the following six questions:

1. In the light of the inventory in the report by the Chairman of the Working Group on Economic Issues, what assets and liabilities should be divided between the successor States to the former Socialist Federal Republic of Yugoslavia during the succession process?

2. On what date(s) did succession of States occur for the various States that have emerged from the Socialist Federal Republic of Yugoslavia?

3. (a) What legal principles apply to the division of State property, archives and debts of the Socialist Federal Republic of Yugoslavia in connection with the succession of States when one or more of the parties concerned refuse(s) to cooperate?

(b) In particular, what should happen to property

- not located on the territory of any of the States concerned, or
- situated on the territory of the States taking part in the negotiations?

4. Under the legal principles that apply, might any amounts owed by one or more parties in the form of war damages affect the distribution of State property, archives and debts in connection with the succession process?

5. (a) In view of the dissolution of the Socialist Federal Republic of Yugoslavia, is the National Bank of Yugoslavia entitled to take decisions affecting property, rights and interests that should be divided between the successor States to the Socialist Federal Republic of Yugoslavia in connection with the succession of States?

(b) Have the central banks of the States emerging from the dissolution of the Socialist Federal Republic of Yugoslavia succeeded to the rights and obligations of the National Bank of Yugoslavia deriving from international

agreements concluded by the latter, in particular the 1988 Financial Agreement with (the) (foreign) commercial banks?

6. (a) On what conditions can States, within whose jurisdiction property formerly belonging to the Socialist Federal Republic of Yugoslavia is situated, oppose the free disposal of that property or take other protective measures?

(b) On what conditions and under what circumstances would such States be required to take such steps?

DOCUMENT S/25709

Report of the Secretary-General on the activities of the International Conference on the Former Yugoslavia

[Original: English]
[3 May 1993]

Peace talks, Athens, 1 and 2 May 1993

INTRODUCTION

1. In my previous report [S/25708], I informed the Security Council that the Co-Chairmen of the Steering Committee, Cyrus Vance and Lord Owen, together with the Co-Chairman-designate, Thorvald Stoltenberg, had decided, on 29 April 1993, to convene a round of peace talks at Athens on 1 and 2 May with the generous hospitality of Prime Minister Mitsotakis and the Greek Government. In addition to Mr. Vance, Lord Owen, and Mr. Stoltenberg, the following leaders headed delegations at the talks:

President A. Izetbegovic (Bosnia and Herzegovina)

President F. Tudjman (Republic of Croatia)

President D. Cosic (Federal Republic of Yugoslavia (Serbia and Montenegro))

President S. Milosevic (Serbia)

President M. Bulatovic (Montenegro)

Mr. M. Boban

Mr. R. Karadzic

The following attended as observers:

Observer from the host Government: E. Karagiannis

Observer from the European Community: B. Weber

Special Envoy: R. Bartholomew (United States of America)

Special Envoy: V. Churkin (Russian Federation)

I. ADDRESS BY PRIME MINISTER CONSTANTINOS MITSOTAKIS

2. On Saturday evening, 1 May, the Prime Minister of Greece, Mr. Mitsotakis, addressed the participants with a strong appeal to them to bring peace to Bosnia and Herzegovina. He urged boldness and courage on the part of the political leaders.

II. OPENING REMARKS BY CYRUS VANCE

3. Following the address of Prime Minister Mitsotakis, Mr. Vance welcomed the participants and expressed the gratitude of the Co-Chairmen to Prime Minister Mitsotakis and his Government for their hospitality. He underlined the critical importance of a positive outcome of the talks and stated: "The time is overdue to act decisively to bring peace to Bosnia and Herzegovina and to begin the reconstruction of the former Yugoslavia ... What is urgently needed now is to bring the plan into force. To do this, Mr. Karadzic needs to sign the remaining two documents of the plan, namely, the provisional provincial map and the Agreement on Interim Arrangements." He noted that the Co-Chairmen had provided clarifications to a number of questions that had been raised and stated: "In the light of the answers given, we are convinced that there is no reasonable ground for any further delay in completing the signing of the peace plan."

III. FACTORS RELEVANT TO THE IMPLEMENTATION OF THE PEACE PLAN

4. Lord Owen then made a statement in which he noted that during recent discussions with all the parties, the Co-Chairmen had provided explanations and amplifications on various aspects of the peace plan. The text of this statement is reproduced in annex I. The text of Lord Owen's remarks was distributed to the participants. Also distributed with it was a paper on the concept for the Northern Corridor, which is reproduced in annex II.

5. At the second session of the peace talks, held on Sunday, 2 May, Mr. Vance, speaking on behalf of the Co-Chairmen, provided additional amplifications on the concept of the Northern Corridor, which are reproduced in annex III.

6. On 2 May, the Co-Chairmen wrote a letter to President Izetbegovic, Mr. Boban, and Mr. Karadzic on the status of the above-mentioned explanations and amplifications, the text of which is reproduced in annex IV.

IV. SIGNING OF THE PEACE PLAN

7. On 2 May, Mr. Karadzic signed the Agreement on Interim Arrangements and the provisional provincial map. At the time of signing, he made and signed a statement, the text of which is reproduced in annex V.

8. Following Mr. Karadzic's signing of the above-mentioned documents, the Co-Chairmen called upon the participants to do their utmost for its faithful implementation. They called for maximum military restraint and urged the Bosnian sides to

observe a cessation of hostilities throughout Bosnia and Herzegovina.

9. The participants paid a warm tribute to Cyrus Vance for his enormous contribution to the pursuit of peace in the former Yugoslavia.

Concluding observations

10. The completion of signature of the peace plan marks a decisive moment in efforts to stop the conflict in Bosnia and Herzegovina. Everything possible must now be done to bring the peace plan into force and to implement it in accordance with its letter and spirit.

ANNEX I

Statement by Lord Owen on behalf of the Co-Chairmen

During my recent discussions with all the parties at Belgrade and Zagreb, we focused on many aspects of the peace plan. I believe it would help all the parties if I were now to repeat some of the points of clarification that arose during this trip.

Interim arrangements

The Agreement on interim arrangements, contained in annex I to the Secretary-General's report of 26 March 1993, [S/25479], is in the view of the Co-Chairmen fully consistent with constitutional principle 4, which has been signed by all the parties and states:

"All matters of vital concern to any of the constituent peoples shall be regulated in the Constitution, which as to these points may be amended only by consensus of these constituent peoples; ordinary governmental business is not to be veto-able by any group." [See S/25221, annex II]

This is made very clear in annex IA to the Secretary-General's report, which is entitled "Interim Presidency and Interim Central Government". Paragraph 1 of annex IA states in part that

"in the direct aftermath of hostilities, when a consensus amongst the three constituent peoples is the only acceptable basis for reaching any fundamental decisions, the Interim Presidency and Interim Government shall function on a coalition basis."

In signing this Agreement we are asking as section I, paragraph 5, of the Secretary-General's report makes clear, that all sides should "concentrate on agreeing on specific arrangements for the interim period".

Procedures inside the Interim Presidency

Annex I to document S/25479, which is entitled "Agreement on interim arrangements", states in paragraph 4:

"The Interim Presidency shall take its decisions by consensus of nine, or by a qualified majority of seven, or by a simple majority of five, depending on whether the decision relates to a constitutional principle, to a specially important question, or to normal business of the Presidency. If the members of the Interim Presidency are unable to agree on the applicable majority, they shall consult the Co-Chairmen of the Steering Committee of the International Conference on

the Former Yugoslavia (the 'Co-Chairmen') whose decision shall be binding."

I was asked if I could indicate in advance whether the rules of procedure for operating the Interim Presidency would be a decision taken by consensus of the nine members and my instant response was that it would be, but I checked with Mr. Vance and he agreed without demur that this would be our decision.

Interim President

In discussions over the rotating Interim President, where each of the constituent peoples will hold the Interim Presidency for six months, a fear was expressed that if elections were held after a year, one of the constituent peoples would not be able to hold the position of Interim President. I think it might help to put this issue in perspective if I remind you what was said in paragraph 20 of the Secretary-General's report of 12 March 1993 [S/25403]:

"During the period between the entry into force of the peace settlement and the holding of free and fair elections, there is a need for an interim institutional mechanism so that the country can function effectively. The drafting of a new Constitution for the Republic of Bosnia and Herzegovina is expected to take months. Also, it is very likely to take more than a year for the many refugees and displaced persons to return to their homes. Nevertheless, free and fair elections must be held within two years; the date will be fixed by the Interim Presidency in consultation with the Co-Chairmen."

It is the view of the Co-Chairmen that elections will not be held for at least 18 months and that therefore all three constituent peoples will have the opportunity to hold the Interim Presidency.

Withdrawal of forces

After consultations with the Force Commander, General Wahlgren, it has been explained to all the parties at both the political and the military level that, when forces withdraw under the plan to named provinces and where they have been protecting villages and towns where their own constituent people are in the majority, they will be replaced by UNPROFOR [*United Nations Protection Force*] and not by opposing forces. Nevertheless, the administration and in particular the police forces in the areas from which they have withdrawn shall, as stated in section G of annex I to document S/25479, "be controlled by the Interim Provincial Governments or by local authorities under them, and shall reflect the proportions of the constituent peoples in the respective provinces." The principal task of UNCIVPOL [*United Nations Civilian Police*], as is made clear in section H, paragraph 5, "would be to monitor the police of the Provinces so that each: has an appropriately balanced ethnic composition; [and] does not oppress members of minority ethnic groups". It is important also to remember that minorities in any province will have access to the service of their own ombudsmen appointed to cover the whole of Bosnia and Herzegovina who shall be supported by adequate staff and facilities at provincial level, particularly in a province where another constituent people is in the majority.

The provisional provincial map

It needs to be stressed that the reason for referring to the boundaries of the provinces as "provisional" is that the final boundaries will be adopted by consensus by the parties for the new Constitution in the framework of the International Conference on the Former Yugoslavia. It will be perfectly possible for the parties in the improved atmosphere associated with the cessation of hostilities and in the spirit of cooperation hopefully built up during the period of

interim coalition government to negotiate amongst themselves changes to the provincial boundaries.

In addition, the Conference will have before it recommendations from the Boundary Commission [see S/25479, *annex I, sect. B*]. The Commission shall receive and, if necessary, hear evidence from those people who feel they are adversely affected by the proposed provisional provincial boundaries. The Commission is empowered to consider only marginal changes and its decisions will be adopted by consensus. But it does introduce an important area of flexibility and it will be possible for villages or towns that feel they have been wrongly placed on one side or other of the provisional boundary to have their positions reviewed.

The capital city of Sarajevo will exceptionally have its provisional boundaries specifically referred to the Boundary Commission for review [*ibid.*, *section C*] and there is no marginal qualification made to the text. In this case "any agreed changes will be introduced prior to implementing the new Constitution."

It is the view of the Co-Chairmen that these arrangements provide for considerable flexibility in the defining of the provincial boundaries; also the Constitution will no doubt provide for a mechanism whereby boundaries could be changed at some future date after adoption of the Constitution by consensus.

Northern Corridor

One of the most controversial issues between the parties has been the concern about free access from Banja Luka Province to Bijeljina Province. The main road through Posavina and Tuzla Province will be a United Nations-throughway controlled not by the provincial police but by UNPROFOR and with an area of 5 kilometres on either side of the road demilitarized under the responsibility of UNPROFOR. A paper describing the detailed arrangements approved by the UNPROFOR Force Commander whereby UNPROFOR propose to control the road has already been circulated to the parties to demonstrate how they will guarantee free passage along the road and is included in this explanation in annex II to the present report. In this regard, it should be noted that ever since 19 February 1993, under Security Council resolution 807 (1993), UNPROFOR has been acting under Chapter VII of the Charter of the United Nations and the Force Commander has given assurances that there will be consultations amongst the parties prior to deploying United Nations forces to control the Northern Corridor. All of these matters will be specifically covered and put for the endorsement of the Council in the resolution on implementation arrangements.

Also, as in relation to the demilitarization of Sarajevo (see annex IV to document S/25221), a Joint Commission chaired by UNPROFOR will oversee the implementation of the arrangements for the Northern Corridor. This will mean that all three of the parties will be represented on the Commission and can bring before it any alleged violations.

International Access Authority

The Agreement on interim arrangements provides in section I for the Interim Presidency to establish an International Access Authority in order to implement principle 3 of the agreed Constitutional Principles and to allow full freedom of movement between and within the Provinces and "also to and from the Provinces to the Republic of Croatia and to the Republic of Serbia. It is intended that the Authority be in operation as soon as possible during the interim period. Following the conclusion of the peace package, all designated thoroughways shall come under the responsibility of UNPROFOR; thereafter there will be a period of overlapping responsibility of UNPROFOR and the Authority, during which UNPROFOR'S

involvement will be phased out and its responsibilities assumed by traffic police employed by the Authority."

I would draw attention to the fact that other throughways have also provided assurance, particularly that between Gorazde and Cajnice. The Blue Routes are also important, particularly that between Pale and Zvornik.

At Zagreb and Belgrade, I had preliminary discussions as to whether or not it would be possible to extend the International Access Authority to related roads and railways in Croatia, Serbia and Montenegro. Such a development depends on discussions between their Governments and is outside the context of the interim agreement and therefore of this peace plan.

Nevertheless, the Co-Chairmen hope that in the margins of this Conference, it might be possible to hold some further discussion about this wider concept with the Governments concerned to see if there is a possible basis for agreement.

I hope that with these clarifications it will now be possible for the Bosnian-Serb delegation to agree to sign the two outstanding documents, the interim agreement and the provisional provincial map, and thereby ensure with these two additional signatures that we have the 12 signatures necessary for full endorsement of the peace plan.

Once the peace plan has been agreed in full by all the parties, we as Co-Chairmen shall report to the Secretary-General, who has been requested by the Security Council to report at the earliest possible date on proposals for the implementation of the peace plan. On the passing of a Security Council resolution on implementation, the peace plan will start to operate.

In the meantime, we hope all three parties on signature will agree to join the Coordination Body which was established recently at Zagreb to work together in the spirit of the peace plan as far as circumstances will allow before the stage of formal implementation and the start of the Interim Presidency.

ANNEX II

Concept for the Northern Corridor

The Northern Corridor will consist of the internationally controlled throughway linking Banja Luka Province and Bijeljina Province and a demilitarized zone extending 5 kilometres either side of the throughway in the territory of Bosnia and Herzegovina.

The demilitarized zone concept includes:

- Adherence to the broad principles for the cessation of hostilities agreed by all parties and included in annex IV to document S/25221;
- Implementation of the measures to separate forces and withdraw heavy weapons agreed by all parties and included in annex IV to document S/25221;
- The implementation of a zone extending in Bosnia and Herzegovina territory for 5 kilometres either side of the throughway in which no military force's personnel, equipment or installations, other than those of United Nations forces, will be authorized.

Demilitarized zone measures will include:

- Patrolling by the United Nations implementation force to ensure compliance by all parties;

- Other than United Nations forces, the only personnel allowed to carry arms in the demilitarized zone will be provincial civil police officers on duty. The only arms these officers will be authorized to carry will be personal sidearms (handguns). Provincial police officers will have no powers on the northern throughway.

The throughway concept is:

- A security guarantee initially by UNPROFOR and later the International Access Authority to all parties traversing Posavina and Tuzla Province via Brcko to ensure non-interference with and protection of personnel and material using the throughway;
- No interference on the throughway. No provincial police will be able to stop any vehicle and if they have any complaint about speeding or other matters, they would have to notify an UNPROFOR patrol or later an International Access Authority Police;
- Checkpoints, patrols and monitoring, along the length of the throughway, initially by the United Nations implementation force and then a period of joint work with the International Access Authority Police;
- The supervised inspection at the entry points at each end of the throughway by the United Nations force;
- Freedom of passage of humanitarian aid;
- Freedom of movement for United Nations forces.

Throughway measures will include:

- Timings: the throughway will be open at all times. United Nations forces and International Access Authority Traffic Police will use the throughway at any time and have total authority over maintenance, sign posting and other technical matters;
- Access for civilians: all civilians, regardless of sex, age or ethnic origin but provided they are carrying no weapons or ammunition will be allowed to use the throughway. Private and commercial vehicles will also be permitted to use the throughway. All will be subject to the inspection measures outlined below;
- Access for humanitarian aid: all international and local humanitarian aid agencies will be allowed to use the throughway;
- Checkpoints: the only authorized checkpoints will be those established and manned by the United Nations force. Provincial authorities will not be permitted to impose their own checkpoints on the throughway. Checkpoints will initially, as a security measure for users, be open only during daylight hours for non-United Nations traffic;
- Inspection procedures: inspections will be conducted by the United Nations force at checkpoints;
- Inspections may be carried out on all users of the throughway, including humanitarian convoys;
- War-related material: the carriage or transport of all weapons, ammunition or other war-related material will

not be permitted without a licence issued by the United Nations Force Commander or International Authority Agency Officer responsible for the throughway. Licences will only be issued for the arms and ammunition appropriate for and destined to civil police forces. All non-licensed war-related material will be turned back at the entrance or escorted back to the point of entry;

- Escorts: traffic may initially, as a security measure for users, move through a checkpoint and along the throughway by United Nations-escorted convoy only;
- Patrols: the throughway will be patrolled by the United Nations force or International Access Authority official police vehicles which have appropriate communications.

Implementation time-frame. The United Nations will, in line with "Agreement on Peace" signed by all three parties, aim to erect checkpoints and reconnoitre the throughway by D+1, then open the throughway for civilian through traffic by no later than D+15.

International Access Authority. An International Access Authority will be established as part of the process for implementing interim arrangements for Bosnia and Herzegovina. Details were included in the Secretary-General's report to the Security Council of 2 February 1993 [S/25221]. One of the Authority's tasks will be to take on sole responsibility for all roads declared as internationally controlled throughways. A period of overlapping responsibility is envisaged for the United Nations force and that of the Access Authority. This transfer of authority will only be completed by agreement of all those involved in the Access Authority.

The United Nations Implementation Force. The Northern Corridor will be one of the highest priorities for the United Nations Force tasked to implement the Vance-Owen peace plan for Bosnia and Herzegovina. The Northern Corridor will be the highest standing priority for the United Nations formation tasked to be responsible for the Posavina and Tuzla Province. This United Nations formation will be specially selected for its capability to undertake this task.

The broader context. With the agreement of the Republics of Croatia and Federal Republic of Yugoslavia (Serbia and Montenegro), the International Access Authority's role would broaden. Its existing responsibility for all rail routes in Bosnia and Herzegovina, including in the Northern Corridor, the important routes from Banja Luka to the border at Bosanski Samac and from Tuzla to the border at Brcko, would extend to include the links between these routes and the Zagreb-to-Belgrade rail route and to the railway through Knin to the coast in Croatia. Similarly, its responsibility for roads would extend from the international crossing points at Bosanska Gradiska and Orasje to the links between these roads and to Belgrade along the autoput.

ANNEX III

Statement by Cyrus Vance

Athens, 2 May 1993

Last night it was suggested that it would be helpful for the parties to have further clarification of the penultimate paragraph of the "Concept for the Northern Corridor", annexed to Lord Owen's statement of yesterday (1 May 1993) to this Conference on behalf of the Co-Chairmen. The Co-Chairmen fully recognize the need to provide clear assurance of the security of the population in the areas concerned. Some of the fiercest fighting in the war has taken place

around Brcko and, sadly, is still continuing. We urge all the parties to start to show the same restraint in this area as has been recently shown in some other strongly contested areas.

With a cease-fire established and increased freedom of movement, the task of securing the throughway through Posavina and Tuzla Province will be accorded highest priority along with the demilitarization of Sarajevo Province. This means that as soon as the cessation of hostilities takes place elements of existing UNPROFOR forces already deployed in Bosnia and Herzegovina will be tasked to quickly redeploy to the Northern Corridor, in order to ensure free movement of traffic as put forward in the framework of this Conference and detailed in the Concept Paper. Additional forces, provided under a new mandate to be approved by the Security Council, would also be deployed to the Northern Corridor without delay. It is envisaged that these forces would be armoured infantry, capable of mobile operations and possessing sufficient combat power to ensure that they can carry out their task. The final concept of operations will be developed by the responsible military commander. But these forces, continuing to act under the provisions of Chapter VII of the Charter of the United Nations, will be tasked to maintain a strong presence along the throughway and throughout the demilitarized zone, in the form of checkpoints, patrols and escorts. An effective mobile reserve would also be provided to ensure that the forces will be able to react to unforeseen or hostile developments.

The force will be composed of high-calibre troops capable of conducting sustained mobile and forceful action if required. It is our view that the force should include highly professional contingents from North America, Western Europe and the Russian Federation.

It is the Co-Chairmen's considered view that this substantial and specific commitment of international military resources will effectively assure the freedom of movement, and thus the overall security, of the inhabitants of the areas concerned.

ANNEX IV

Letter of 2 May 1993 from the Co-Chairmen to the leaders of the three Bosnian delegations

Dear

A great responsibility lies upon the leaders and representatives of the three constituent peoples to prevent further bloodshed, and to begin the reconstruction of Bosnia and Herzegovina. Peace will not only put an end to further killings, but will also allow the return of refugees and displaced persons to their homes.

At our meetings at Athens on 1 and 2 May, the Co-Chairmen provided clarifications and answers to questions that had been raised with them about the content and implementation of the United Nations/European Community peace plan. The statements made by the Co-Chairmen are attached.

The purpose of this letter is to confirm that the above-mentioned statements of the Co-Chairmen form part of the official records and involve the full authority of the International Conference on the Former Yugoslavia. As has always been the case, the Secretary-General of the United Nations would reflect the discussions and the documents in his report to the Security Council on the deliberations of the Athens round of the peace talks. These documents will also form the basis for the future work of the International Conference, will guide the drafting of the future constitution for

Bosnia and Herzegovina, and will also provide guidance to the commanders and personnel of the United Nations Protection Force.

Yours sincerely,

Cyrus Vance

Thorvald Stoltenberg

David Owen

ANNEX V

Statement by Mr. Karadzic, 2 May 1993, Athens

By signing the Vance-Owen peace plan (the nine principles, the military agreement, the maps of the proposed provinces and the document on the interim period), the delegation of the Republic of Srpska states the following:

1. Our signature on the proposed documents will become invalid and will be considered null and void unless the following condition is met:

The Assembly of the Republic of Srpska meeting on Wednesday, 5 May 1993 supports the decision of their delegation taken here at Athens on 2 May 1993.

2. After the meeting of the Assembly of the Republic of Srpska and if they support the peace plan, we will be ready to nominate three people to sit on the Coordination Body to work together in the spirit of the peace plan. There are a number of issues which we will wish to raise including those related to the provisional provincial map and the work of the Boundary Commission.

3. We are issuing this statement concurrent with our signing of today's documents and are handing it over to the International Conference on the Former Yugoslavia with the request that it be included and attached with the official documents of the Conference.

Athens, 2 May 1993

Delegation for the Government of
the Republic of Srpska

Radovan Karadzic
President of the Republic of Srpska

Witnessed by

Cyrus Vance

David Owen

Thorvald Stoltenberg

DOCUMENT S/25710

Letter dated 30 April 1993 from the representative of Yugoslavia to the President of the Security Council

[Original: English]
[3 May 1993]

I am writing to you in connection with the letters of Mr. Muhamed Sacirbey, dated 17 and 27 April 1993 [S/25624, S/25670], addressed to you.

The above-mentioned letters belong to a series of concoctions which inundate the United Nations on a daily basis with a view to presenting deliberately distorted facts and continuing a slander propaganda campaign against the Federal Republic of Yugoslavia. The allegations of "aggression and participation" of the armed forces of the Federal Republic of

Yugoslavia on the territory of Bosnia and Herzegovina are not only falsehoods but a part of a broader scenario aimed at provoking foreign military intervention.

We cannot but categorically reject such attempts since they cannot lead to peace but can only exacerbate the situation.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Dragomir DJOKIĆ
*Chargé d'affaires a.i. of the Permanent Mission
of Yugoslavia to the United Nations*

DOCUMENT S/25711

Letter dated 30 April 1993 from the representative of Yugoslavia to the President of the Security Council

[Original: English]
[3 May 1993]

Upon instructions from my Government, in connection with the letters of the Permanent Representative of Albania to the United Nations of 24 and 27 April 1993 [S/25662, S/25672] addressed to you, I have the honour to point out the following.

The substance of these communications represents a flagrant interference in the internal affairs of a sovereign State Member of the United Nations.

The false and unwarranted accusations contained in the letters about the alleged "aggression of Serbia" and "explosive situation" at Kosovo and Metohija, came as no surprise to us since the Albanian authorities over a long period of time have been waging a campaign against the Federal Republic of Yugoslavia which borders on hysteria. Its major goal is to encourage further secessionist and terrorist forces at Kosovo and Metohija, an integral part of the Republic of Serbia and the Federal Republic of Yugoslavia, by provoking incidents in the border area thus generating an atmosphere of instability and anxiety in the region. The ultimate objective of such policies is the creation of "Greater Albania" which is to include parts of the territory of the Federal Republic of Yugoslavia and its other neighbour States.

We categorically reject that the Republic of Serbia is being accused of "hostile acts and aggression" against Kosovo and Metohija and find it absolutely absurd that a sovereign State can be confronted with a charge of attacking its own territory. By stating that "the spill-over of the conflict is imminent", Albania is actually confirming its unscrupulous designs and territorial aspirations towards Kosovo and Metohija, which is historically the cradle of the Serbian State and Serbian nationhood. The threats of the Albanian authorities that they "will not remain indifferent", cannot be understood but as an open call to arms and interference in the affairs of a sovereign

State. Precisely such policies and irresponsible statements on the part of the Republic of Albania contribute to the destabilizing of the situation in the Balkan region as a whole.

By insisting on "the ethnically Albanian character" of Kosovo and Metohija and "the undeniable integrity of the region", the Albanian authorities are openly laying claims on the territory of a neighbour State, which can only be qualified as an attempt at annexation.

The Constitution of the Federal Republic of Yugoslavia guarantees, in compliance with the international documents, the highest standards in the field of the protection of civil and human rights, including the rights of national minorities. All citizens of the Federal Republic of Yugoslavia regardless of their national, religious or any other origin, are ensured full equality in the exercise of their rights. Members of national minorities, like all other citizens of the Federal Republic of Yugoslavia, enjoy equal protection of life and personal and property security. The Government of the Federal Republic of Yugoslavia and the Republic of Serbia are fully capable of maintaining peace and security in its entire territory, including Kosovo and Metohija. Only foreign interference and instigation of terrorist secessionist activities can bring about unrest and instability in the area.

The "concern" of Albania, which for years has had one of the worst human rights records in the world, for the welfare of the Yugoslavs of Albanian origin in the past decade is not a legitimate one but a front for supporting terrorists and separatists at Kosovo and Metohija. This policy of Albania and the support of some other countries in this respect constitutes a direct threat to the political stability of the region and adversely affects the ongoing attempts to resolve the existing tensions. In that connection, we most categorically reject Albania's unfounded insinuations on the need to deploy United Nations troops at Kosovo, as absurd and unacceptable interference in the internal affairs of the Federal Republic of Yugoslavia with a view to destabilizing a sovereign and independent State. Regrettably, despite the change of the political system in Albania, interference and fuelling of secessionist aspirations, as well as border incidents, have continued.

Concerning the allegations contained in the letter of 27 April 1993 [S/25672], we would like to inform you of the three incidents which occurred at the Yugoslav-Albanian border on 25 and 27 April 1993.

The first incident took place on 25 April 1993 at 9 p.m. in the area of Prizren, near the border stone D-10/11. At approximately 250 metres from the border, in Yugoslav territory, the Yugoslav patrol intercepted five Albanian nationals who had illegally crossed the border. Having failed to heed the warnings, the intruders physically attacked the officers who confronted them. The five Albanians were killed in the ensuing conflict.

On the next day, the local Yugoslav-Albanian Joint Commission for Sector 5 conducted an on-the-spot investigation. Although the deceased were not in possession of

any documents, with the assistance of the Albanian representatives, their identities have been established as follows: Mensur (Skender) Sula, Hisen (Aslan) Surli, Etem (Tot) Sula, Mersin (Hisen) Sula and Behar (Adem) Afizi, all from the Kuks county.

It was agreed that the bodies of the deceased should be turned over to the Albanian authorities on 27 April 1993 at the Vrbnica border crossing.

The second incident took place on 25 April 1993 around 8.30 p.m. in the area of Djakovica, close to the C-2/10 border stone, 70 metres inside Yugoslav territory. The Yugoslav border patrol came across two unidentified persons. Since they ignored the warnings, the patrol opened fire, killing one and taking the other person in custody. The next day, the Local Joint Commission for Border Incidents, following an investigation, established the identity of the deceased as Dermisi (Adem) Astri, aged 20. The detainee's name was Dermici (Hadzi) Fatmir. It was agreed that the body of the deceased and the detainee should be handed over to the Albanian authorities at the Cafa Prusit border crossing.

The third incident took place on 27 April 1993 at 1.30 a.m. in the area of Djakovica, in the vicinity of the C-11/6 border stone. Two persons, so far unidentified, were killed after confrontation with the Yugoslav border patrol. One of them is believed to be an Albanian and the other a Yugoslav national.

In all those incidents, the Yugoslav patrols strictly adhered to the rules of engagement for the border law enforcement officers.

The Albanian Government has taken advantage of those unfortunate incidents to heighten the tensions in the region. We would like once again to point out that those incidents occurred as a consequence of Albania's failure to honour its international commitments to guard its borders through pre-emptive action and thus prevent illegal crossing of its nationals to the territory of the Federal Republic of Yugoslavia and consequently avoid such tragic incidents.

Regrettably, the Albanian side has not been responsive to the appeals and warnings from the Yugoslav side so that illegal crossings and border incidents with tragic consequences have continued to occur.

The Federal Republic of Yugoslavia wishes to emphasize, this time again, that the Albanian side should fulfil its commitments undertaken under bilateral agreements and honour international standards which regulate State border regime by taking all necessary measures with a view to preventing its citizens from illegally crossing into the territory of the Federal Republic of Yugoslavia.

We are confident that safety on the border can be promoted and the border incidents eliminated or limited as much as possible, which would be mutually beneficial for Yugoslav-Albanian relations, as well as for the entire region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Dragomir DJOKIĆ
Chargé d'affaires a.i. of the
Permanent Mission of Yugoslavia
to the United Nations*

DOCUMENT S/25712

Letter dated 3 May 1993 from the representative of Armenia to the President of the Security Council

*[Original: English]
[3 May 1993]*

I have the honour to transmit to you the statement of the Ministry of Foreign Affairs of the Republic of Armenia dated 1 May 1993 regarding the escalation of Azerbaijani military activities in Armenia's border areas in recent days.

I should be grateful if you would circulate this as a document of the Security Council.

*(Signed) Alexander ARZOUMANIAN
Permanent Representative of Armenia
to the United Nations*

TEXT OF THE STATEMENT

Starting in the early morning of 1 May, Azerbaijan initiated large-scale military operations against the Republic of Armenia.

Divisions of the Azerbaijani Army, using different weaponry including heavy artillery, have shelled the populated border areas of the Sisian, Yeghegnadzor, Kapan and Krasnoselsk regions of the Republic of Armenia. During the entire day of 1 May, Azerbaijani forces have also heavily shelled the villages of Voskepar, Barekamavan, Koti, and Voskevan of the Noyemberian region. Five civilians have been killed and one injured.

At the same time, one Azerbaijani division, in violation of the borders of the Republic of Armenia near the village of Dovigh penetrated into Armenian territory. The border troops of the Republic of Armenia have repelled the aggressors.

Thus, instigating the escalation of tension at the Armenian-Azerbaijani borders, and initiating offensive operations, Azerbaijan has violated the cease-fire in the region established during the past few days.

The Azerbaijani Republic is fully responsible for the escalation of the military operations. Such behaviour is in violation of the appeal of the Security Council resolution which calls for the cessation of military activities and the immediate resumption of negotiations sponsored by CSCE [*Conference on Security and Cooperation in Europe*], and is

intended to lead to the failure of the processes emanating from Security Council resolution 822 (1993).

The Ministry of Foreign Affairs of the Republic of Armenia expresses the hope that the United Nations, CSCE, and other international organizations, will henceforth take into account the consequences of the Azerbaijani policies on the peace process and make their judgements about the Azerbaijani policies accordingly.

The discrepancy between the Azerbaijani rhetoric and its actual behaviour shows that by giving in to Azerbaijani demands, the international community is encouraging Azerbaijan in its militaristic policies. All the while, Azerbaijan continues to show total disrespect towards the norms of international law and the resolution of the United Nations.

The escalation of military operations immediately after the adoption of the United Nations resolution once again proves the necessity of an immediate resumption of negotiations, which must give priority to the establishment of a cease-fire guaranteed by the international community and supervised by international monitors.

DOCUMENT S/25713

Letter dated 3 May 1993 from the representative of Armenia to the President of the Security Council

*[Original: English]
[3 May 1993]*

I have the honour to transmit to you the statement of the Ministry of Foreign Affairs of the Republic of Armenia regarding Security Council resolution 822 (1993) of 30 April 1993.

I should be grateful if you would circulate this letter as a document of the Security Council.

*(Signed) Alexander ARZOUMANIAN
Permanent Representative of Armenia
to the United Nations*

TEXT OF THE STATEMENT

The Ministry of Foreign Affairs of the Republic of Armenia considers Security Council resolution 822 (1993) on the Nagorny-Karabakh conflict, adopted on 30 April 1993, a step towards greater involvement on the part of the United Nations in the negotiating process related to the conflict of Nagorny-Karabakh.

The Ministry of Foreign Affairs of Armenia welcomes the Security Council resolution to the extent that it reflects the position of Armenia, which considers the cessation of hostilities leading to a durable cease-fire and the immediate

resumption of negotiations within the CSCE framework the only way to find a peaceful resolution of the problem, including the complications related to the Kelbadjar issue.

The call in the resolution for the unimpeded access of humanitarian assistance efforts in the region is equally important.

The Ministry of Foreign Affairs finds that some of the formulations in the resolution do not correspond to the views of the Government of Armenia. The Permanent Mission of Armenia to the United Nations has already communicated these differences to the President and members of the Security Council.

The Government of Armenia is hopeful that the resolution will compel Azerbaijan to return immediately to the negotiating table in order to accelerate and strengthen the process of instituting a cessation of hostilities and a durable cease-fire for the sake of a peaceful resolution of the Nagorny-Karabakh conflict.

DOCUMENT S/25714*

Letter dated 30 April 1993 from the representative of Pakistan to the Secretary-General

[Original: English]
[3 May 1993]

I have the honour to transmit herewith the resolution on the situation in Bosnia and Herzegovina adopted at the Twenty-first Islamic Conference of Foreign Ministers, held at Karachi from 25 to 29 April 1993.

I would appreciate it if you would kindly have the text of the present letter and the resolution circulated as a document of the General Assembly and of the Security Council.

(Signed) Jamsheed K. A. MARKER
Permanent Representative of Pakistan
to the United Nations

TEXT OF THE RESOLUTION

(Proposed by the Islamic Republic of Pakistan, the Republic of Turkey, the Islamic Republic of Iran, the Arab Republic of Egypt, the Kingdom of Saudi Arabia, the Republic of Senegal and Malaysia)

The Twenty-first Islamic Conference of Foreign Ministers held at Karachi, from 4-8 Zul Qadah 1413H (25 to 29 April 1993),

Proceeding from the principles and objectives of the Charter of the Organization of the Islamic Conference, which emphasize the commitment of Islamic Ummah to the consolidation of international peace and security,

Bearing in mind the obligation of all States to act in conformity with the principles and purposes of the Charter of the United Nations,

Reaffirming particularly the obligation of all States to refrain from the threat or use of force in their international relations,

Expressing its alarm at the horrifying situation in the Republic of Bosnia and Herzegovina arising from Serbian aggression and the acts of crime and genocide perpetrated by the Serbs,

Recalling resolutions No. 1/5-EX and 1/6-EX on the situation in Bosnia and Herzegovina, adopted respectively at Istanbul and at Jeddah by the Fifth and Sixth Extraordinary Sessions of the Islamic Conference of Foreign Ministers, as well as the relevant provisions of the Final Declaration of the Meeting of the Bureau of the Sixth Islamic Summit Enlarged to the Chairmen of the Standing Committees, held at Dakar,

Recalling also all the relevant resolutions adopted by the United Nations Security Council and the General Assembly regarding Bosnia and Herzegovina, particularly Council resolution 757 (1992) and Assembly resolution 46/242 of 25 August 1992 and 47/121 of 18 December 1992,

Welcoming United Nations Security Council resolution 808 (1993), which stipulates the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia,

Further welcoming United Nations Security Council resolution 816 (1993), which authorizes the Member States, acting nationally or through regional organizations or arrangements, to take all necessary measures in order to enforce the no-fly-zone over the airspace of the Republic of Bosnia and Herzegovina,

Taking into account with appreciation all the ongoing diplomatic efforts for restoring peace in Bosnia and Herzegovina,

Gravely concerned, however, over the fact that the Serbian side is utilizing the negotiating process to consolidate its territorial acquisitions and to obstruct the Security Council from authorizing the use of force to secure the implementation of its relevant resolutions,

Deploring vigorously, in this context, the continued non-compliance by Serbia and Montenegro and by the Serbs with all relevant international resolutions and calls made upon them,

Further concerned over the tragic humanitarian situation in the cities and towns under Serbian siege,

Expressing its condemnation at the recent shelling of the town of Srebrenica by the Serbian forces, with the aim of driving the Muslims out of yet another town, as a part of the

* Circulated under the double symbol A/47/937-S/25714.

Serbian "ethnic cleansing" campaign, which is a form of genocide,

Reaffirming that territorial gains or changes brought about by violence are not acceptable,

Commending the Government of Bosnia and Herzegovina for its outstanding flexibility and responsibility as manifested in its acceptance of all the documents negotiated at the peace process,

Welcoming the provisional measures issued by the International Court of Justice, in response to a suit initiated by the Government of Bosnia and Herzegovina,

Affirming that the international community has the responsibility to secure the independence, sovereignty, territorial integrity and unity of Bosnia and Herzegovina, as well as to prevent acts of genocide and of crimes against humanity,

Emphasizing that the deteriorating situation of the Muslims in Bosnia and Herzegovina calls for more international humanitarian assistance coupled with effective measures aimed at providing continuous and unimpeded delivery of the assistance to the needy,

Alarmed that the ongoing conflict in Bosnia and Herzegovina poses a grave risk of spilling over to adjacent areas and beyond and that the aggressor has the intention to spread the conflict,

Further emphasizing that it is and will be necessary to take effective measures to ensure the full and strict implementation of any decision of the United Nations Security Council or the International Conference on the Former Yugoslavia, or agreement reached by the sides concerned,

Convinced that, in view of the current situation, the Republic of Bosnia and Herzegovina has the inherent right of individual or collective self-defence, in accordance with Article 51 of the Charter of the United Nations and that the current arms embargo on the Republic of Bosnia and Herzegovina is the major factor impeding the use of the right of self-defence,

Stressing that the situation in Bosnia and Herzegovina warrants the implementation of decisive measures in conformity with the provisions of Chapter VII of the Charter of the United Nations, in particular Article 42,

1. *Notes with appreciation* the report of the Secretary-General on the situation in Bosnia and Herzegovina [Doc. No. ICFM/21-93/PIL/D.1];

2. *Reaffirms* the provisions contained in resolutions No. 1/5-EX and 1/6-EX on the situation in Bosnia and Herzegovina, adopted by the Fifth and Sixth Extraordinary Sessions of the Islamic Conference of Foreign Ministers, as well as the relevant United Nations Security Council and General Assembly resolutions, in particular General Assembly

resolutions 46/242 and 47/121, and demands their immediate implementation;

3. *Reaffirms also* the decisions of the meeting of the enlarged bureau of the Sixth Islamic Summit, held at Dakar on 11 January 1993;

4. *Reaffirms also* its commitment to restoring peace in the Republic of Bosnia and Herzegovina as well as safeguarding its unity, sovereignty, political independence and territorial integrity;

5. *Strongly condemns* the genocidal Serbian aggression against the Republic of Bosnia and Herzegovina and the non-compliance by Serbia and Montenegro and the Bosnian Serb party with the will of the international community, as manifested in the relevant resolutions of the United Nations Security Council, the General Assembly and the Organization of the Islamic Conference;

6. *Deplores* the breaches of the comprehensive and mandatory sanctions imposed by the Security Council against Serbia and Montenegro, and urges the Security Council to ensure full implementation of its relevant resolutions and especially to prevent supplies reaching Serbia through the Danube River or any other means;

7. *Condemns vigorously* the massive and flagrant violations of the human rights of the Bosnian people and of international humanitarian law by Serbia and Montenegro and the Bosnian Serbs;

8. *Strongly condemns*, once again, the abhorrent Serbian policy of "ethnic cleansing" and, in this context, reaffirms the right of all Bosnian refugees to return to their homes under conditions of safety and honour;

9. *Requests* the Security Council to act decisively and expeditiously under the provisions of Chapter VII of the Charter of the United Nations and to authorize United Nations Member States, in cooperation with the Government of the Republic of Bosnia and Herzegovina, to use all necessary means to uphold and restore the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina;

10. *Also requests* the Security Council to guarantee safe routes for unhindered provision and delivery of international assistance to Bosnia and Herzegovina;

11. *Further requests* the Security Council to exempt, without any further delay, the Republic of Bosnia and Herzegovina from the arms embargo as imposed on the former Yugoslavia under Security Council resolution 713 (1991);

12. *Urges* Member States as well as other members of the international community to extend their cooperation to the Republic of Bosnia and Herzegovina in exercise of its inherent right of individual and collective self-defence in accordance with Article 51 of Chapter VII of the Charter of the United Nations, including the supply of arms;

13. *Urges* the Security Council immediately to take further appropriate measures, including the authorization of the use of force, under Chapter VII of the Charter of the United Nations, to ensure:

(a) Placing of all heavy weapons in the Republic of Bosnia and Herzegovina under effective international physical control or neutralizing them to render them inoperative;

(b) Interdiction of all arms supplies to the Serbs;

(c) Institution of appropriate measures for reparations for the Government of Bosnia and Herzegovina by Serbia and Montenegro;

(d) That Serbia and Montenegro is liable under international law for any direct loss, damage, including environmental damage, or injury to foreign Governments, nationals and corporations, as a result of its aggression against the Republic of Bosnia and Herzegovina;

(e) Imposition of a complete and comprehensive economic blockade against Serbia and Montenegro;

(f) Freezing of all assets abroad of Serbia and Montenegro;

14. *Calls upon* Member States that have not yet done so to sever all economic and commercial ties with Serbia and Montenegro;

15. *Decides* that Member States would jointly seek the formal expulsion of the Federal Republic of Yugoslavia (Serbia and Montenegro) from the United Nations and all its agencies, organs, bodies and programmes;

16. *Requests* the Member States to take appropriate measures, individually and collectively, in accordance with the Charter of the United Nations, against those States which are wilfully violating the United Nations sanctions against Serbia and Montenegro;

17. *Decides* to request the reconvening of the United Nations General Assembly session on Bosnia and Herzegovina in case the Security Council is unable to deal effectively with the Serbian aggression against Bosnia and Herzegovina;

18. *Notes with appreciation* the ongoing efforts of the Office of the United Nations High Commissioner for Refugees, the United Nations Protection Force and other international humanitarian agencies in providing humanitarian assistance to the people of Bosnia and Herzegovina;

19. *Requests* the United Nations and other relevant international organizations to consider urgently the introduction of safe areas in addition to those specified in Security Council resolution 819 (1993), in close consultation with the Government of the Republic of Bosnia and Herzegovina in the existing humanitarian effort to supply relief goods through road convoys and airlifts;

20. *Urges* the Member States and the international community to contribute finances and personnel for implementing the decisions of the Security Council to uphold and restore the sovereignty, political independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina;

21. *Requests* the Security Council to act immediately to close all detention and concentration camps in Serbia and Montenegro and Bosnia and Herzegovina established by the Serbs and, until implementation, to assign international observers to these camps;

22. *Requests* that the International Committee of the Red Cross be granted free access to all detention camps established by Serbs in Serbia and Montenegro and in Bosnia and Herzegovina and to all persons imprisoned in these camps and that all prisoners be notified of it without delay;

23. *Calls for* full respect by all parties of the Humanitarian Plan of Action adopted in the framework of the London Conference on 27 August 1992 and, notably, calls for the immediate release of prisoners in accordance with the agreement signed at Geneva under the auspices of the International Committee of the Red Cross on 1 October 1992;

24. *Warns once again* the Serb and Montenegrin authorities as well as all persons who commit or order the commission of breaches of international humanitarian law in the Republic of Bosnia and Herzegovina that they are individually responsible in respect of such breaches and will be punished for war crimes in accordance with the Geneva Conventions;

25. *Requests* the United Nations to expedite the establishment of a representative international war crimes tribunal to try and punish those who are guilty of genocide, crimes against humanity and war crimes in the Republic of Bosnia and Herzegovina;

26. *Expresses its appreciation* to those States and international institutions which have provided humanitarian assistance to the people of the Republic of Bosnia and Herzegovina, and appeals to all Member States to contribute generously towards alleviating their sufferings, including assistance to refugee centres for Bosnian refugees in neighbouring countries;

27. *Emphasizes* the importance of cooperation among all parties in Bosnia and Herzegovina against the Serbian aggression;

28. *Urges* the Security Council to adopt effective measures to prevent any further aggravation of the extremely tense situation in Kosovo, Vojvodina, the Sanjak and the Republic of Macedonia;

29. *Commends* the work of the Organization of the Islamic Conference Contact Group on Bosnia and Herzegovina at the United Nations, in New York, and requests it to continue its work;

30. *Urges* those Member States who have not yet established full diplomatic relations with Bosnia and Herzegovina to do so immediately;

31. *Decides* to dispatch a mission at the ministerial level, drawing from the members of the Contact Group of the Organization of the Islamic Conference, comprising the current Chairman, the outgoing Chairman, the representative of the Chairman of the Sixth Islamic Summit and the Secretary-General of the Organization of the Islamic Conference, to the capitals of the permanent members of the Security Council to explain the provisions of the present resolution and to seek their agreement for the necessary follow-up action in the Council;

32. *Requests* the Secretary-General to follow up the implementation of the resolution and to report to the Coordination Meeting of the Foreign Ministers of the Organization of the Islamic Conference in New York and to the next Islamic Conference of Foreign Ministers.

DOCUMENT S/25715*

Letter dated 3 May 1993 from the representative of Cyprus to the Secretary-General

[Original: English]
[4 May 1993]

With reference to the letter dated 29 April 1993 from the Permanent Representative of Turkey to the United Nations with regard to the incident that took place in the territorial waters of the Republic of Cyprus on 28 April 1993 [S/25692], I have the honour to transmit to you herewith the text of the statement issued by the Government of the Republic of Cyprus on 28 April 1993, which contains the relevant facts and effectively refutes the unfounded allegations contained in the said letter and the attached statement.

I should be grateful if the text of the present letter and the statement would be circulated as a document of the General Assembly and of the Security Council.

(Signed) A. J. JACOVIDES
Permanent Representative of the
Republic of Cyprus to the
United Nations

TEXT OF THE STATEMENT

At 9.40 a.m. today a police patrol boat, while on a routine mission within the territorial waters of the Republic of Cyprus six miles south of the region of Zygi in the Larnaca district, came across a cargo ship that was on a 100° south-easterly course. The ship had no flag and its name was covered with paint. On account of this it was suspected of carrying narcotics or of carrying out other forms of illicit trade. The patrol boat approached within 20 metres of the ship and called on it repeatedly, through loudspeakers, in Greek and English, to

stop. The patrol boat also called it on wireless Channel 16 and attracted its attention by blowing its siren.

In spite of all this, the ship failed to respond and continued on its course. Following that, the patrol boat went around the ship in order to force it to stop and tried again at least to communicate with it over the wireless. But the ship continued at full speed estimated at 10 nautical miles per hour. As a consequence of this, the Commander of the police patrol board ordered warning shots to be fired above the bridge of the ship. This occurred at 10.25 a.m. In spite of all this as well, the ship continued on the same steady course. When the ship was about 17 miles beyond the territorial waters of the Republic, the patrol boat, on instructions, stopped its surveillance. On earlier instructions from Police Headquarters, the patrol boat had stopped its pursuit of the ship. The Cyprus Police Headquarters informed INTERPOL of the matter immediately.

During the last phase of the surveillance the police patrol boat was joined by another patrol boat of the Republic.

Around 12.00 noon, the British High Commissioner in Cyprus communicated with the Foreign Minister, Mr. Alecos Michaelides, with whom he talked about the incident, informing him that there were two Turks wounded on the ship and asking whether aid could be given to them by helicopter. The Foreign Minister gave his permission for the British Military Authorities to use helicopters from the British bases in Cyprus for the transport of the wounded, either to Cypriot hospitals, which were alerted in the meantime, or to the Akrotiri British military hospital, if this were deemed more practical.

At the same time the police patrol boats were ordered to cease their pursuit of the ship since it was already outside Cyprus' territorial waters. The pursuit stopped at 12.05 p.m.

A helicopter with a medical doctor aboard from the British bases went to the ship. The doctor advised the transportation of the wounded to a hospital, but the wounded refused to board the helicopter and the ship continued on its course.

The Cyprus Republic has not only the right but also the obligation to maintain surveillance and to inspect its coasts and its territorial waters for possible illegal trafficking in narcotics or arms. Systematic inspection is also carried out for ships moving suspiciously within the territorial waters of Cyprus.

DOCUMENT S/25718

Letter dated 4 May 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[4 May 1993]

We have received distressing information, from the Presidency of the Republic of Bosnia and Herzegovina, concerning renewed and intensive attacks by Serbian and Montenegrin forces against the civilian population of Zepa.

*Circulated under the double symbol A/47/938-S/25715.

Attached to this letter is a letter dated today, from my President, regarding these attacks.

These attacks have been carried out with the explicit intention of killing Zepa's civilians and bringing to a full catastrophe the town's humanitarian situation. Along with the full-scale offensive, Serbian and Montenegrin forces have prevented all humanitarian aid from reaching the besieged civilians.

Upon instructions from the Presidency of the Republic of Bosnia and Herzegovina, acting under Article 35, paragraph 1, of the Charter of the United Nations, in the light of the imminent humanitarian catastrophe facing Zepa's civilian population, we hereby request an emergency meeting of the Security Council.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
*Permanent Representative of Bosnia
and Herzegovina to the United Nations*

LETTER DATED 4 MAY 1993 FROM THE PRESIDENT
OF THE PRESIDENCY OF THE REPUBLIC OF BOSNIA
AND HERZEGOVINA TO THE PRESIDENT OF THE
SECURITY COUNCIL

The general attack of the Serbian paramilitary forces on the free area of Žepa, already besieged for more than a year, started on 4 May 1993 at 0500 hours.

Both heavy artillery and tanks are being used. The Chetniks' command was captured and it reads: "To burn down Žepa, to kill all alive, and regardless of losses, take over Žepa."

There are about 40,000 people in Žepa, out of which 35,000 refugees, among them 8,000 children. After four hours' attack, there are tens of dead and wounded. Those capable are trying to escape. Nobody is helping the sick and wounded. Literally, everything is on fire.

We suggest that the Security Council declare the free territory of Žepa as a United Nations protected area and send a company of blue helmets to defend this area and the civilian population there.

We kindly ask for the urgent decision to prevent mass killing of the suffering people of Žepa.

*President
of the Republic of Bosnia
and Herzegovina*

(Signed) Alija IZETBEGOVIC

DOCUMENT S/25719

Fourth progress report of the Secretary-General on the
United Nations Transitional Authority in Cambodia

[Original: English]
[3 May 1993]

INTRODUCTION

1. By paragraph 10 of its resolution 745 (1992), the Security Council requested the Secretary-General to report to the Council at stated intervals on progress made in the implementation of the resolution and on tasks still to be performed in the operation, with particular regard to the most effective and efficient use of resources. In accordance with this provision and in response to subsequent resolutions and to developments in Cambodia, I have submitted three progress reports as well as other reports on 1 May [S/23870], 12 June [S/24090], 14 July [S/24286], 21 September [S/24578] and 15 November 1992 [S/24800] and 25 January [S/25124] and 13 February 1993 [S/25289].

2. The present report is in compliance with the Security Council's request in resolution 745 (1992) for a fourth progress report in April 1993. It also reports, in response to a further request in resolution 810 (1993), on the implementation of that resolution and on measures to ensure the realization of the fundamental objectives of the agreements on a comprehensive political settlement of the Cambodia conflict of 23 October 1991 (Paris agreements) [S/23177, annex]. It describes the activities of the United Nations Transitional Authority in Cambodia [UNTAC] up to 3 May 1993.

3. By paragraph 6 of its resolution 810 (1993), the Security Council requested the Secretary-General to inform the Council by 15 May 1993 of the conditions and preparations for the election. While that additional report will be devoted to that matter, and to the broader question of the creation and maintenance of acceptable conditions for a free and fair election, the present report also contains the latest information relating to the organization and conduct of the elections.

I. IMPLEMENTATION OF RESOLUTION 745 (1992)

A. General

4. The main obstacle to the implementation of UNTAC's mandate since its establishment in Cambodia on 15 March 1992 has been the refusal of one of the parties, the Party of Democratic Kampuchea (PDK), to meet the obligations it assumed in signing the Paris agreements. That Party has neither demobilized its armed forces, nor has it granted UNTAC personnel access to the zones it controls in the thinly populated north and west of the country. To the contrary, in violation of the cease-fire it has sought to extend the territory it controls and has blown up bridges and carried out other military operations. On many occasions its units in the field

have temporarily detained United Nations military observers and other UNTAC personnel, all of whom were, however, released unharmed after negotiation. PDK Radio has launched increasingly vitriolic attacks on UNTAC and its senior officials and has directed violent propaganda against Vietnamese-speaking persons living in Cambodia. Members of the National Army of Democratic Kampuchea (NADK), the armed forces of PDK, have been implicated in massacres of Vietnamese-speaking persons. Since the latter part of March 1993 members of UNTAC have been the subject of several attacks, many of them in circumstances that strongly indicate the involvement of PDK.

5. In response to what it described as encroachment by the NADK, the military force of the Party of the State of Cambodia (SOC), the Cambodian People's Armed Forces (CPAF), have launched attacks on NADK, which in UNTAC's view also constitute violations of the cease-fire. Furthermore, since political parties contesting the election for a constituent assembly began opening offices last September in the SOC-controlled zone, which comprises some 80 per cent of the country, SOC has been blamed for organizing or condoning violent attacks on the personnel and offices of those parties. Most of those attacks, which reached a peak last December, have been directed at the Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC) and, to a lesser extent, at the Khmer People's National Liberation Front (KPNLF), the other two Cambodian factions which signed the Paris agreements. Despite the responsibility of the existing administrative structures to maintain law and order in their respective zones, SOC has so far made only a handful of arrests in these cases.

6. As a result of these developments, UNTAC has been obliged, with the approval of the Security Council, to modify its activities in implementation of the Paris agreements, especially the deployment and the tasks of its Military Component. These modifications have been described in detail in earlier reports listed above. As reported earlier, PDK's non-cooperation made it necessary for UNTAC to suspend the cantonnement of the armed forces of the three other factions, after some 55,000 troops had been disarmed under UNTAC supervision, and the Military Component, in close cooperation with the Civilian Police and other components of UNTAC, has redirected its efforts to ensuring the security of the electoral process and the safety of the Cambodian political parties and of UNTAC staff under conditions of instability which are not in consonance with the original implementation plan. Thus, the UNTAC Military Component was redeployed to provide security for the voter registration teams, while the Civilian Police Component mounted static guard and mobile patrols around political party offices considered to be at risk.

7. Given the distortions that have arisen in the implementation of the peace plan, UNTAC has endeavoured to create and maintain the best possible conditions for the holding of free and fair elections starting on 23 May 1993. The measures described above led to a marked reduction between December 1992 and March 1993 in the levels of politically motivated violence, though subtler and non-violent forms of intimidation continued. However, an upsurge in violence directed against

ethnic minorities during the month of March triggered a migration of thousands of Vietnamese-speaking persons seeking greater safety from such attacks.

8. On 7 and 8 April 1993 I paid my second visit in a year to UNTAC at the start of the six-week electoral campaign. In an address to His Royal Highness Prince Sihanouk, President of the Supreme National Council (SNC), and the members of the SNC, I reminded them of their responsibilities under the Paris agreements and stressed that they must do their utmost to help themselves and to help UNTAC. I also stated that, bearing in mind the measures UNTAC had taken since December to improve the security situation, it was my judgement, with all due caution, that the basic acceptable conditions for the conduct of an electoral campaign did exist. However, the situation in Cambodia still gives grounds for serious concern and UNTAC will be scrutinizing developments with great care and attention until the end of the election itself in order to ensure that those conditions are closely monitored and improved as far as possible. It is encouraging that, so far, despite an atmosphere of tension, electoral campaigning is being conducted peacefully with the participation of tens of thousands of Cambodians.

B. Relations with the Supreme National Council

9. The meeting of the Supreme National Council held at Beijing on 28 January 1993 was described in my report of 13 February 1993 on the implementation of Security Council resolution 792 (1992) [see S/25289, paras. 3-6]. Since then, SNC has held three plenary meetings (on 10 February and 4 and 10 April 1993) under the chairmanship of Prince Sihanouk and four working sessions (on 9 and 20 March and 21 and 29 April 1993) under the chairmanship of my Special Representative, Mr. Yasushi Akashi, in the absence from Phnom Penh of Prince Sihanouk. The meetings dealt with recent developments, including military developments in Cambodia, the creation and maintenance of a neutral political environment, the implementation of the SNC moratoriums on the export of timber and gems, the work of various technical advisory committees (TACs), constitutional principles and other matters. Further details can be found under the relevant sections below.

10. On 4 April 1993, Mr. Khieu Samphan, President of PDK, formally announced to SNC that his party would not be participating in the elections, asserting that "Vietnamese forces of aggression" continued to occupy Cambodia and that a neutral political environment did not exist.

11. On 7 April 1993, Mr. Hun Sen, "Prime Minister" of the Phnom Penh authorities, wrote to me requesting that he and the Security Council take measures together with the existing administrative structures to ensure that the elections could proceed in a neutral political environment and with sufficient security. The accompanying memorandum accused PDK of serious violations of human rights and of the Paris agreements and requested authorization to take the necessary means in cooperation with UNTAC to prevent PDK from taking further advantage of the situation, to safeguard the electoral process

and "to protect the elected government and the Cambodian people from a second genocide".

12. In a letter dated 3 April 1993, Prince Sihanouk informed my Special Representative that he would resign from the Presidency of SNC on 28 May 1993, after the election. At our meeting on 7 April, I strongly urged the Prince to reconsider, saying that Cambodia needed his leadership before, during and after the election. He thereupon agreed to continue to serve as President of SNC throughout the transitional period.

13. On 13 April 1993 Mr. Khieu Samphan wrote to Prince Sihanouk to announce that he could no longer attend the Supreme National Council at Phnom Penh because there was insufficient security and that PDK was withdrawing "temporarily" from Phnom Penh. The following day, my Special Representative wrote to Mr. Khieu Samphan offering to provide him with UNTAC security, but this offer was declined.

C. Human Rights Component

14. Despite the various activities of the Human Rights Component described in earlier reports, notably my third progress report [S/25124], the human rights situation in Cambodia continues to give rise to deep concern. The persistence of politically and ethnically motivated attacks is obviously a serious threat to the protection of human rights as well as to the creation and maintenance of a neutral political environment. This issue is treated under section K below.

15. The development and dissemination of a human rights education programme was accelerated during the period under review, with particular reference to teacher training, dissemination of relevant international instruments, education of health professionals, training of public and political officials and support for local human rights organizations.

16. Teams of human rights trainers travelled to Kompong Som, Banteay Meanchey, Kompong Chhnang, Kratie, Ratanakiri, Pursat, Kompong Speu, Prey Veng, Kompong Thom, Battambang, Koh Kong and Stung Treng for week-long courses for the following audiences: representatives of political parties, members of human rights associations, teacher trainees and justice officials. Another team was deployed at Phnom Penh and Kompong Thom to teach courses in teacher training colleges. In consultation with the officials of the health administration of the Party of the State of Cambodia, a new course was begun on human rights for students in the Medical Faculty, complementing the course taught last year at the Law School.

17. A special course was conducted for human rights advocates. Several training activities were organized for the human rights associations, including a training programme on United Nations human rights procedures and a special training programme at Phnom Penh dealing with human rights issues in the electoral process.

18. Considerable human rights education activity was carried out by the provincial human rights officers and their training assistants. Such courses have been addressed to

commune leaders, district electoral supervisors, teachers, women's associations, monks, soldiers, police, political parties and human rights associations. The number of persons reached by these courses range in the thousands at Banteay Meanchey, Kampot, Kandal, Koh Kong and Pursat, and in the hundreds at Kompong Cham, Kompong Chhnang, Kompong Som, Kompong Speu, Siem Reap and Stung Treng, Svay Rieng and Takeo.

19. Educational materials, posters, leaflets, stickers and other printed materials prepared in previous reporting periods were reproduced for further dissemination. In addition, a 400-page compilation of human rights instruments applicable in Cambodia was printed in 10,000 copies for wide dissemination among educators and practitioners.

20. On another front, the Commission on Human Rights adopted a resolution at its spring session at Geneva providing for the first time for the operational involvement of the Centre for Human Rights in Cambodia in the post-UNTAC period, thus providing an important support mechanism for the Cambodian human rights organizations. The resolution also requests the Secretary-General to appoint a special representative on human rights in Cambodia. However, no specific reference was made to article 17 of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict [see S/23177, annex], which calls on the Commission on Human Rights to continue to monitor closely the human rights situation in Cambodia including, if necessary, by the appointment of a Special Rapporteur who would report to the Commission and to the General Assembly.

D. Electoral Component

21. Following completion of voter registration, including the registration of returning refugees, and the compilation of the computerized voters' list, the number of registered voters has now been set at nearly 4.7 million, or some 96 per cent of the estimated eligible population. All 20 political parties which had provisionally registered [*ibid.*, para. 30] have now officially registered to take part in the election. The Party of Democratic Kampuchea is not among them.

22. In paragraph 34 of my report on the implementation of resolution 792 (1992) [S/25289], I stated that it was expected that polling would take place from 23 to 27 May 1993, including three days of voting in static polling stations and a further two days in mobile stations. Following further intensive study, UNTAC has concluded that the reorganization of staff from static to mobile teams will itself require a full day. Polling therefore will be extended to 28 May.

23. Since the last report [*ibid.*] was issued, my Special Representative has promulgated a number of minor revisions to the original Electoral Law in order to respond to security or other considerations as they have arisen or been anticipated. These revisions include a ban on public meetings before the election campaign officially opened on 7 April, a ban on public opinion polls, which, it was considered, might have an intimidatory effect, a ban on the placing of party seals on

ballot boxes at the time of polling, and revised provisions for the removal of names from the lists of candidates.

24. On 11 March 1993, my Special Representative met with the leaders of the 20 political parties registered to take part in the election. Saying that he considered them the stewards and guardians of democracy in Cambodia, he informed them of their rights and responsibilities as party leaders under the Electoral Law.

25. In paragraphs 33 and 34 of my third progress report [S/25/24], I described the strong pressure from FUNCINPEC and the KPNLF for revisions of the Electoral Law to extend the franchise to the so-called Khmer Krom residents in Cambodia and to allow overseas Cambodians to register outside Cambodia as well as the reasons for which I decided that, unless the Security Council decided otherwise, these two proposed revisions should not be approved. My Special Representative therefore also took the opportunity to stress to the political party leaders that UNTAC rejected in advance arguments by some of the Cambodian parties aimed at providing grounds for refusing to accept the election results, alleging that the results of the election might have been different if these proposed revisions had been accepted. My Special Representative also rejected allegations that many "Vietnamese" had registered to vote. The registration process was scrutinized by representatives of the political parties with the right to challenge registrants whom they deemed to be unqualified. Challenges were issued in respect of only a fraction of 1 per cent of registrants, and none has been confirmed by the evidence. A further change to the law permitted the establishment of polling stations in the United States, France and Australia in order to accommodate Cambodians living overseas, though the law also required that those individuals come to Cambodia to register to vote. Arrangements are being made for these overseas polling stations to be located in Paris, New York and Sydney.

26. On the basis of the number of registered voters, the 120 seats for the Constituent Assembly have been allocated to the 21 provinces and the Phnom Penh special district as follows:

Allocation of seats by province

Banteay Meanchey	6
Battambang	8
Kompong Cham	18
Kompong Chhnang	4
Kompong Speu	6
Kompong Thom	6
Kompot	6
Kandal	11
Koh Kong	1
Kratie	3
Mondol'kiri	1
Phnom Penh	12
Preah Vihear	1
Prey Veng	11
Pursat	4
Ratanak Kiri	1
Siem Reap	6

Sihanoukville	1
Stung Treng	1
Svay Rieng	5
Takeo	8
TOTAL	<u>120</u>

27. All 20 political parties contesting the election have submitted their list of candidates. The lists for 3 of the parties were published on 13 April and the lists for 13 more on 22 April 1993. The lists for the remaining four parties, which are being held back at their request, will be published before the election.

28. Preparations for the conduct of the election are now well under way. The necessary equipment and supplies, including the ballot papers and boxes, are already in Cambodia and delivery schedules have been established to ensure that all the necessary materials will be in place before the opening of polling. The selection of more than 50,000 Cambodian electoral staff has been completed, and their recruitment and subsequent training has been programmed so that they can take up their duties when polling begins. The number of polling stations, originally envisaged to be about 1,400, has been reviewed in the light of the security situation, but is likely to remain about the same. Some of the polling stations were to be divided into two sites, close to each other; and the number of secondary sites may be somewhat reduced. Polling stations are divided into large, medium or small static stations - consisting of eight, six and three polling teams respectively - as well as mobile stations. Each polling station will have a Cambodian Presiding Officer in charge and one international polling station officer to provide support and assist the Presiding Officer. Polling will begin at static stations in the more populated areas during the first three days of the polling period so that the maximum number of votes will be cast during this period to create a momentum.

29. Plans have also been made for the recruitment of approximately 1,000 international polling station officers from more than 30 countries, who should be arriving in Cambodia in May for training in the Electoral Law before reporting for duty at polling stations throughout the country. Eleven countries were requested to provide a total of 50 fingerprint and 5 handwriting experts to check the tendered ballots, i.e., those cast by voters who had lost their cards, had them illegally confiscated or who were voting in a province other than that in which they had registered. Responses to this request have been slow. It is hoped that Governments will be able to provide UNTAC with this important capability.

30. UNTAC also has encouraged the Cambodian parties to examine constitutional principles and different forms of constitutions that the members of the constituent assembly may wish to consider. The question of constitutional principles was first placed on the agenda of SNC in September 1992 and has since been discussed at regular intervals. In November 1992, UNTAC sponsored a seminar for party representatives of the Technical Advisory Committee on constitutional principles, and in January 1993 international experts were invited to assist in discussions on the matter. A further six-day constitutional seminar took place from 29 March to 3 April 1993,

concentrating on four main features: constitutions and conflicts; Cambodia's constitutional history; crucial issues facing the Constituent Assembly; and developing procedures for debate. The meeting was attended by members of SNC and its secretariat, all political parties registered to contest the election, selected non-governmental organizations, the main United Nations agencies operating in Cambodia and international experts.

31. The killing in Kompong Thom Province on 8 April 1993 of a district electoral supervisor, a Japanese national and a Cambodian interpreter has raised concern about security. The 465 United Nations Volunteers who serve as district electoral supervisors, deployed throughout the country, have played a vital role in the training of Cambodian electoral staff and in the programme of civic education about the election in the countryside as well as in convincing the electorate that their vote will be secret. Following the incident of 8 April, UNTAC has instituted emergency provisional arrangements to improve security. All United Nations Volunteers, including district electoral supervisors, in 10 central and western provinces considered to present security risks were instructed to withdraw from the countryside and not to travel without an armed escort until further notice. Those district electoral supervisors have been brought back to Phnom Penh for extensive debriefing while an inter-component security plan utilizing armed escorts and ready reaction forces is refined. Some 40 United Nations Volunteers have decided to leave their post, but most have indicated their intention to stay. A proposal to allow UNTAC Civilian Police members to carry weapons was carefully considered, but my Special Representative, on the recommendation of the UNTAC Police Commissioner, has decided not to do so at this time.

32. At the same time, as already noted, since the election campaign began on 7 April, scores of public meetings and rallies have taken place without incident throughout Cambodia with the participation of all parties.

E. Military Component

1. Cease-fire violations

33. The military situation in Cambodia continues to be marked by persistent, but low-intensity and small-scale, violations of the cease-fire, particularly in the central and western parts of the country. As noted in earlier reports, these usually take the form of clashes or exchanges of fire between the armed forces of PDK and SOC. These clashes, however, have not been sustained for more than a few days at a time.

34. However, security problems arise also from the spread of acts of banditry, usually perpetrated by former soldiers or serving troops who have not been adequately paid or paid at all, which contribute to a sense of insecurity in the countryside.

35. One of the most serious violations of the cease-fire occurred on 3 May 1993. In the early morning hours of that day, groups of armed men, allegedly belonging to NADK, attacked the town of Siem Reap in the Siem Reap Province from several directions using rocket launchers, small arms and

grenades. They attacked a CPAF garrison as well as the Siem Reap airport and ransacked buildings belonging to UNTAC and to the local civilian population. The airport suffered no damage. CPAF police and military reinforcements countered the attack and the attackers withdrew from the town. UNTAC suffered no casualties, but casualties were reported among the civilian population as well as among the attackers.

2. Redeployment of the Military Component

36. In paragraph 11 of my report on the implementation of Security Council resolution 792 (1992) [S/25289], I stated that the disposition of the Military Component for the protection of the election would be discussed in more detail in the fourth progress report.

37. The Component's coordination with the Civilian Police Component has been strengthened. Teams of military observers are working with UNTAC Civilian Police in monitoring political rallies and gatherings throughout the country, and personnel from both components are assisting electoral staff with the civic education campaign. Security arrangements are now being finalized in order to provide for the fullest possible security during the polling both for static and mobile teams, especially in those parts of the country considered relatively unstable. In addition, in collaboration with the Civilian Police Component, the Military Component has concluded agreements for providing security for the polling period with the armed forces of the three factions - SOC, FUNCINPEC and KPNLF - which are in compliance with the peace process. The central feature of these arrangements is that the security of the polling stations and their vicinity will be provided by UNTAC alone. UNTAC will be solely responsible for all security measures to be taken in the immediate vicinity of a polling station, as well as United Nations personnel and property. The armed forces of the factions will be responsible for assisting UNTAC, conveying information on possible or actual threats to the election and ensuring security in the zones under their control.

38. The tightening of restrictions by NADK on UNTAC liaison personnel stationed at Pailin has been a matter of concern. For some time NADK has frequently confined the military observers and other staff to their houses while preventing UNTAC from resupplying them with fuel, preventing resupply by air and creating obstacles to their replacement and rotation. Despite my Special Representative's repeated protests to Mr. Khieu Samphan, President of PDK, these measures have not been relaxed. UNTAC has endeavoured to maintain their deployment at Pailin as long as possible while continuing its efforts to resupply them. However, these UNTAC personnel were withdrawn from Pailin on 30 April 1993. UNTAC is negotiating with NADK to open an alternate liaison channel at nearby Sok Sann.

3. Attacks on UNTAC personnel

39. Circumstances of incidents between 27 March and 19 April 1993 resulting in eight fatalities among UNTAC military and civilian personnel and responsibility for them have been described in the letter I addressed to the President of the

Security Council on 26 April 1993 [S/25669]. Since that letter was sent, UNTAC has reported, in respect of the incident of 8 April in Kompong Thom Province, that evidence appeared to rule out the involvement of any Cambodian faction as such. The incident of 27 March in which a Bangladeshi soldier was killed appears to be the first deliberate attack against UNTAC personnel.

40. As a result of these attacks all units of the Military Component in all locations were directed to increase vigilance and enhance their security measures and procedures. Instructions were issued forbidding the approach to UNTAC positions by unknown armed men. The Military Component has been reinforcing its defensive positions all over Cambodia, particularly in Siem Reap and Kompong Thom Provinces. These positions have been expanded to allow the construction of bunkers and overhead protection as well as firing bays, which are defensive pits from which soldiers can return fire. Where UNTAC assets are located in isolated locations, permanent guards and/or mobile patrols are used to improve the physical security of the premises. Security at UNTAC headquarters has also been strengthened by heightening the walls around the compound, tightening control over approaching traffic, improving the illumination along the walls and instituting better verification of the identification of visitors and staff. Military personnel, in cooperation with Civilian Police monitors, have also been manning checkpoints and roadblocks to confiscate illegally held weapons (see para. 84 below).

41. Since I reported on the incidents referred to in paragraph 39 above, I regret to say that several more attacks on UNTAC personnel have occurred. On 30 April, at about 9.30 p.m., in Kompong Cham Province, unknown armed assailants fired at an UNTAC vehicle carrying three Civilian Police monitors. One Colombian officer was killed and a Malaysian officer was seriously injured. The latter has been evacuated to Kuala Lumpur for medical treatment. Also on 30 April at approximately 9 p.m., a detachment of the Uruguayan battalion in Kratie Province was attacked by unknown assailants and two Uruguayan soldiers were slightly injured. On 1 May at about 10.40 p.m., unidentified persons threw three hand-grenades at a Dutch battalion camp in Banteay Meanchey Province. One Dutch soldier was injured and evacuated to Bangkok. On 3 May, an UNTAC patrol consisting of two vehicles was ambushed in Kompong Cham Province and five members of the Indian battalion were injured, one seriously. UNTAC investigation indicates that this attack was carried out by NADK. Since the beginning of UNTAC, 11 UNTAC civilian and military personnel have been killed as a result of hostile action. Thirty-nine others have died from other causes.

4. Withdrawal and non-return of foreign forces

42. Article VI of annex 2 to the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict [S/23177, annex] relates to the verification of the withdrawal from Cambodia and the non-return of all categories of foreign forces. This question is of particular significance to the implementation of the Paris agreements because the Party of

Democratic Kampuchea cites the alleged presence of "foreign forces", that is, Vietnamese forces, in Cambodia to justify its refusal to comply with its obligations under the agreements.

43. In May 1992, acting under article VI as well as article X of annex 2 to the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict [*ibid.*], in accordance with which UNTAC is authorized to investigate violations on its own initiative, UNTAC established Strategic Investigation Teams (SITs) to follow up allegations of the continued presence of foreign forces in Cambodia. At that time, and repeatedly since then, UNTAC has called on the Cambodian parties to furnish it with verifiable information relating to foreign forces, and to provide liaison officers to facilitate UNTAC's investigation, as is required under the agreements. No such information or cooperation has been received to date.

44. In paragraph 18 of my report to the Security Council dated 15 November 1992 [S/24800], I stated that UNTAC had not found evidence that there were any formed units of foreign forces in Cambodia. This continues to be the case. The Government of Viet Nam has repeatedly stated that it had withdrawn its troops from Cambodia in September 1989.

45. On 10 December 1992, at the working session of the Supreme National Council, UNTAC issued an interim report on the work of the SITs stating that at that point none of its investigations had yielded conclusive evidence of the presence of foreign forces, but that it was continuing its work. The Cambodian parties were again urged to supply UNTAC with information on the presence of foreign forces, but none did so.

46. On 1 March 1993, UNTAC announced that three of the persons who had been under investigation by the SITs were Vietnamese and that they had served with the Vietnamese armed forces in Cambodia; they were, therefore, "foreign forces" within the meaning of the definition approved by SNC at its meeting on 20 October 1992. Two of the men were serving with CPAF and the third was a former member. All three had been issued identity cards by the Phnom Penh authorities. Therefore, UNTAC asked the Phnom Penh authorities to discharge the two still serving from their armed forces and to withdraw the identity cards of all three men. UNTAC also requested the Government of Viet Nam to accept the three men back as Vietnamese nationals, but the latter has so far declined to do so. A further four men have since been identified as "foreign forces" and the SIT investigations are continuing.

47. At the same time UNTAC has made the complexities of the situation as clear as possible. The three men originally identified were all married to Cambodian women and had children, and there was no suggestion that they were in any way under the control of the Vietnamese authorities. The explanation of such considerations is considered necessary in view of the widespread popular resentment among Cambodians directed against Vietnamese nationals and Vietnamese-speaking persons. This resentment, which has its roots in the history of the relations between Cambodia and Viet Nam, has been deliberately and systematically whipped

up not only by the Party of Democratic Kampuchea but also, to a lesser extent, by FUNCINPEC and KPNLF.

48. UNTAC has accordingly been at pains to make it clear that members of "foreign forces" as specified in the Paris agreements, and with regard to whom UNTAC has specific responsibilities, are different from foreign residents and immigrants, e.g., persons who had migrated from Viet Nam to Cambodia for economic and other reasons. UNTAC has also made clear its view that persons born in Cambodia of Vietnamese descent, many of whom have lived in Cambodia for two or three generations, represent a separate category. UNTAC has no special responsibility under the Paris agreements for foreign residents or immigrants and considers that these questions are long-term matters that can be resolved only by discussions between the future Government of Cambodia and the Government of Viet Nam. UNTAC has also publicly criticized what it considers to be racist utterances by some of the Cambodian parties and emphasized the responsibility of the local authorities to maintain law and order in the zones they control and to assure the safety and security of their citizens.

49. The aspects of this question that affect the environment in which elections are to be held are discussed in section K below on the creation and maintenance of a neutral political environment.

5. Engineering and rebuilding of infrastructure

50. Since the beginning of the mission, UNTAC's five engineering units, supplemented by the engineer platoons in 11 of the 12 infantry battalions, have been improving and restoring the roads, bridges and airfields which are indispensable for the safe and rapid movement of UNTAC personnel throughout the country. These operations have also greatly improved the infrastructure for the Cambodian population, particularly in the countryside.

51. The engineering units - from China, France, Japan, Poland and Thailand - have repaired hundreds of bridges and improved scores of kilometres of roads, as well as airfields at Pochentong (Phnom Penh) and Stung Treng.

6. Mine awareness and mine clearance

52. The Mine Clearance Training Unit (MCTU) teaches Cambodians to identify, locate and destroy land mines and to mark minefields. MCTU, which comprises 183 officers and men, also promotes mine awareness among the general public. Each of the eight national contingents in MCTU is organized into mine clearance training teams, which teach the courses, and mine clearance supervisory teams, which supervise the mine clearance work of the teams that have been trained. In the past year, the Unit has trained more than 2,000 Cambodians, of whom about 600 are actually employed in mine clearance activities, either directly by UNTAC or by four non-governmental organizations (HALO Trust, Mine Awareness Group, Norwegian People's Aid and Handicap International) involved in mine clearance in Cambodia. The

main barrier to employing more trained mine-clearance staff is the shortage of supervisory teams.

53. In the past year, MCTU has been instrumental in clearing more than 1.6 million square metres of land and disposing of more than 15,000 mines and other pieces of unexploded ordnance. The Unit has also addressed schoolchildren and villagers throughout the countryside and lectured UNTAC military and police personnel on mine awareness and mine avoidance. None the less, 17 UNTAC staff have been injured because of mines or other types of ordnance since the beginning of the mission, and numerous Cambodians continue to suffer injuries.

54. As noted in paragraph 83 of my third progress report [S/25/24], the Governing Council of the Cambodian Mine Action Centre (CMAC) held its first meeting on 4 November 1992 and adopted the short-term plan of operations. The Governing Council met again on 16 March 1993 to consider its work to date and the problems still to be faced.

55. UNTAC is now working to "Cambodianize" CMAC in order to equip it to function after the end of the UNTAC mandate. Five Cambodians have already been recruited to commence training on the computer-assisted mine database, and the recruitment of Cambodians to take eventual responsibility for the four main branches, information and policy, operations, training and administration, is now proceeding.

56. The other major priority is fund-raising. CMAC will not be able to fulfil its intended role as Cambodia's national mine-clearance body independent of UNTAC's financial and institutional support unless international funding is made available as a matter of urgency. A document outlining the financial requirements for CMAC's short-term plan of operations has been widely distributed among the donor community, but the response so far can only be described as disappointing. Mines pose a grave and long-term threat to the well-being of the Cambodian people. I appeal strongly to the international community to render assistance in this area.

F. Civil Administration Component

1. General

57. Since my last report, the most significant development in the exercise of UNTAC civil administration control over the five areas specified in the Paris agreements - foreign affairs, national defence, public security, finance and information - has been the activity of the Control Team, established in January 1993. The Control Team supplements the regular supervision that UNTAC exercises over the existing administrative structures, particularly outside Phnom Penh, which otherwise would tend to be inadequate because of the relatively small number of UNTAC personnel devoted to each province.

58. Each Control Team is headed by an Inspector assisted by representatives of the Military and Civilian Police components, staff from the Finance and Public Security Services of the Civil Administration Component and analysts

and interpreters from the Information/Education Division. They act on the basis of a Mission Order signed by the Deputy Special Representative of the Secretary-General and following an interview with the Provincial Governor. Their purpose is to verify if, at the provincial, district and village levels, the local administration is being conducted in a politically neutral manner during the electoral process. To achieve this purpose, the team exercises its right under the Paris agreements to have unrestricted access to documents.

59. The Control Teams have carried out operations in zones controlled by SOC in the provinces of Kandal, Prey Veng, Takeo and Kompong Cham, and the translation and in-depth analysis of the documents made available to UNTAC by the local administration are now under way. A further operation was carried out in April in the FUNCINPEC zone at Ampil. Analysis of the SOC documents to which UNTAC has gained access indicates widespread and persistent use of the SOC state apparatus to conduct political campaign activities of the Cambodian People's Party (CPP) in which state employees - police, armed forces and civil servants - are mobilized for CPP electioneering. UNTAC is now undertaking an in-depth review of the documentary evidence of SOC's attitudes and practices towards opposition political parties, indigenous human rights organizations and repatriated refugees in order to coordinate appropriate responses.

60. As an initial step, Civil Administration staff have been instructed to try to prevent local authority officials from conducting political party activities during their normal working hours, to prevent the use of public buildings and local authority vehicles for partisan purposes and to emphasize the secrecy of the ballot.

2. Foreign affairs

61. In accordance with the declaration by the Supreme National Council that all Cambodian passports shared the same status as SNC passports, work began in January 1993 to endorse applicants' passports with the SNC seal to ensure equal treatment. By 1 April, some 9,000 passports, including diplomatic, ordinary and service passports, had been endorsed with the seal.

62. In coordination with the UNTAC Military and Civilian Police Components, the staff of the UNTAC Civil Administration Component have also assumed greater supervision and control over the various border functions, such as immigration, customs and the implementation of the moratoriums on timber, gems and minerals. As part of the civilian operation, a Border Control Unit has been established which will be responsible for liaison between UNTAC components and the existing administrative structures, civilian field operations, civilian logistical support and other activities. Efforts are now being made to recruit and deploy 30 border control officers to the checkpoints and to major immigration and customs centres to work with the military observers and civilian police already there.

63. During March 1993, UNTAC began a series of training seminars for Cambodian immigration and border control

officers on the implementation of procedures agreed with the three parties cooperating with UNTAC.

3. Defence

64. In late January 1993, the leaders of the armed forces of the three factions complying with the Paris agreements, CPAF, KPNLF and the Army of National Kampuchea Independence (ANKI), signed the directive prepared by UNTAC regulating the political activity of military personnel. The three factions also signed early in 1993 similar directives on the political activity of members of the police force and civil administration, respectively. These directives are discussed in section K below. Also at the request of UNTAC, the SOC "First Vice-Minister of Defence", the highest-ranking officer responsible for political affairs, signed a directive in late February prohibiting the wearing of CPP insignia on uniforms and the display of CPP posters on military buildings.

65. In response to the spate of politically motivated intimidation and violence, much of which was attributed to soldiers of CPAF, in early February UNTAC established a system to bring to the attention of the SOC "ministry of defence" cases where CPAF members are alleged to have taken part in illegal activity. At the request of UNTAC, the "ministry" established a special committee to investigate these allegations, and by the end of March 1993 UNTAC had been provided with a list of CPAF personnel responsible for investigations into allegations of misconduct in each province and each unit. However, the "ministry" has admitted the guilt of its personnel in only a small number of cases and punishments are rare.

4. Public security

66. In early 1993 UNTAC began training magistrates and police officers of the existing administrative structures in the implementation of the Penal Code adopted by the SNC in September 1992 on UNTAC's initiative. This phase of training followed earlier phases in which about 200 judges, prosecutors and police officers of the three Cambodian parties complying with the peace process were trained in the Code during the latter part of 1992. The directive issued by my Special Representative in March 1993 prohibiting the illegal possession and carrying of weapons and explosives is discussed in paragraph 84 below.

67. In cooperation with the Human Rights and Civilian Police components, the staff of the Civil Administration Component are continuing a programme of regular prison visits designed to effect the implementation of the relevant provisions of the Penal Code. Some progress has been made in this area, principally in improvements to prison conditions. Through work with a major programme by the International Committee of the Red Cross (ICRC) to improve the water and sanitation services in the Phnom Penh and provincial prisons, marked improvements in the physical conditions of those prisons have been achieved.

68. Unfortunately, problems of the use of shackles in several provincial prisons and in police stations continue

despite UNTAC's repeated attempts to end this practice. Problems with shortages of food continue to cause major concern in many of the provincial prisons. Physical mistreatment of prisoners remains a concern in a number of provincial prisons, and also in police cells.

69. A programme of bringing prisoners before the courts for determination of the legality of their detention has been commenced to endeavour to break the control of the security forces over issues of detention. Applications for the release of prisoners held for long periods without trial have been made at Phnom Penh and in several provincial courts, although a lack of appellate courts hampers the effectiveness of this programme. Where appropriate, *démarches* to the existing administrative authorities are also made for the release of long-term prisoners.

5. Finance

70. Since the latter part of March 1993, the value of the Cambodian riel has become extremely unstable, with the exchange rate falling from about 2,500 riels to the United States dollar to more than 4,000. This instability has been accompanied by a steep rise in prices, particularly of rice, which now costs three or four times what it did before the slump in the riel. The fluctuations in the value of the riel cannot be attributed to any action or error on the part of the Phnom Penh financial authorities, whose operations are closely controlled and supervised by UNTAC; nor has UNTAC been able to ascertain the economic reasons for the fluctuations. However, it does appear that the other three Cambodian parties - PDK, FUNCINPEC and KPNLF - are unwilling to support the riel, whose collapse would have serious implications for the Phnom Penh authorities.

71. UNTAC's efforts to stabilize the riel, which is the currency used by the great majority of the Cambodian people, are, therefore, hampered by political considerations in that direct support for the currency would be seen as partiality towards the Phnom Penh authorities. On the other hand, the economic and social difficulties caused by rapid and severe inflation would obviously have negative implications for the environment in which elections are to be held, particularly given the damage already caused to that environment by the acts of violence described above. UNTAC has, therefore, taken measures to introduce additional rice supplies into the market to discourage hoarding and to bring down the price in an effort to avert social unrest. However, it may take some time to accomplish this.

72. The other important development in this field concerns negotiations for the loan to Cambodia pledged by the World Bank at the Ministerial Conference on the Reconstruction and Rehabilitation of Cambodia, held at Tokyo in June 1992. The Cambodian parties have failed to endorse the draft credit agreement despite UNTAC's repeated assurances that the loan would be politically neutral, it would have no effect on the electoral process, no money could be disbursed until the new Cambodian Government was in place, the new Government would have to endorse any agreement with the Bank and the loan was intended to benefit the Cambodian people as a whole

and not one or another party. UNTAC has also pointed out to the Cambodian parties a substantial time-lag between the signing of an agreement and the actual financial transaction.

73. At its meeting on 10 April 1993, SNC, on the recommendation of UNTAC, adopted a financial control directive prepared by my Special Representative on the transfer of public assets in order to introduce orderly and transparent procedures into the process of privatization of property owned by the existing administrative structures.

74. In mid-February 1993, a week-long mission was sent by UNTAC to the zones administered by KPNLF and FUNCINPEC in northern Cambodia. Detailed financial reviews were conducted of all administrative activity and of bilaterally funded health programmes. These were found to be generally in order. Discussions were also undertaken with representatives of those two parties on logging, the petroleum embargo, customs, the proposed UNTAC procedure on the sale of public assets, the resettlement of returnees and other activities in their zones.

6. Information

75. Any assessment that the election had been free and fair would depend heavily on the perception that the political parties had fair access to the media. In addition to making its own television/video, radio and other information facilities available to the 20 parties contesting the election, UNTAC has also exercised its right to control the existing administrative structures directly in order to secure access for all parties to the public media facilities of the Phnom Penh authorities, and to the radio stations of the FUNCINPEC and KPNLF parties. My Special Representative accordingly issued a directive on fair access to the media during the electoral campaign setting out the responsibilities of UNTAC and the existing administrative structures in this respect, that is, primarily the media facilities of the Phnom Penh authorities.

76. In accordance with that directive, Radio UNTAC shall:

- (a) Broadcast daily electoral programmes;
- (b) Offer to every registered political party each week segments for the broadcast of political material;
- (c) Allow a "right of response" where a political party, its candidate or official believes it has been unfairly attacked or its public statements misrepresented.

77. It was also agreed that the television station of the Phnom Penh authorities, TVK, would broadcast one hour a day of election-related material from UNTAC and the political parties, as is set forth in the directive.

7. Specialized control

78. In the sector of preserving cultural and historical monuments, the Steering Committee for the UNESCO [United Nations Educational, Scientific and Cultural Organization] Zoning and Environmental Management Plan for the Angkor

Area held its first meeting at Siem Reap in March 1993. A group of 23 technical experts is involved in developing the plan.

79. The Specialized Control Service has also established a Health Sector Technical Working Group to enable the four Cambodian parties to work together with international and United Nations agencies to resolve problems of health service delivery within the existing administrative structures.

G. Civilian Police Component

80. In mid-December 1992, following a steep rise in attacks with hand-grenades and automatic weapons against the offices of political parties, the UNTAC Civilian Police Component in collaboration with other UNTAC components launched a special operation to curb the attacks. All political party offices were regularly visited and checked by 24-hour Civilian Police patrols. There are now more than 600 offices, and it would not be possible for UNTAC with its limited resources to provide security for all of them. Protection methods have therefore been refined in close cooperation with the parties concerned. A list of 60 party offices considered to be most at risk was drawn up and the UNTAC Civilian Police and Military components provided protection, initially on a 24-hour-a-day basis and then during the hours of darkness only. Since then, no office thus guarded has been attacked and the number of attacks against offices in general declined markedly in February and the first part of March. However, as the political parties opened additional offices down to the commune and village levels, the number of attacks began to rise again.

81. Much of the daily work of the Civilian Police Component is focused on the main part of its mandate, namely, supervision or control of local police activities. At present, an important part of this work is the monitoring of political rallies and meetings during the campaign period. Since the opening of the electoral campaign on 7 April, about 200 political rallies and meetings have taken place in 16 of Cambodia's 21 provinces, primarily by the larger and better-organized parties. In nearly every case the organizing party complied with the United Nations Electoral Law and the related security regulations for the planning and conduct of the meeting. Not a single case of disruption or harassment of a meeting has been reported, nor has there been any clash between members of different parties.

82. Apart from the supervision of investigations carried out by local police, UNTAC Civilian Police have undertaken independently hundreds of investigations into serious crimes, particularly those which are considered to be politically or ethnically motivated. In about 60 to 70 per cent of cases such allegations turn out to be groundless. In others the investigations are inconclusive because of the inadequate state of the local authorities' public security structures in much of the countryside. In a number of cases, as discussed below in section K, the Special Prosecutor has enough evidence to issue a warrant. Where the crime involves political or ethnic considerations, my Special Representative also raises the matter in the Supreme National Council and, where appropriate, in private meetings with and letters to the leaders of the Cambodian parties concerned. However, as noted below,

crime control activities are hampered by the lack of a functioning court system in any of the zones to which UNTAC has access, as well as by the poor conditions in the prisons.

83. Preparations are also being made to contribute to the security arrangements for the election, when UNTAC Civilian Police monitors will be present at all polling stations.

84. UNTAC Civilian Police personnel have also been closely involved with other UNTAC activities relating to the establishment and maintenance of acceptable conditions for the conduct of free and fair elections, and this matter is examined in more detail in section K below. To this end, my Special Representative signed on 17 March 1993 a directive prohibiting the possession and carrying of firearms and explosives by unauthorized persons. After a three-week amnesty during which such persons were permitted to hand in prohibited materials, offenders were to be subject to terms of imprisonment and to the confiscation of weapons and explosives in their possession. The directive has proved very effective as a crime control measure both at Phnom Penh and in the provinces. Joint checkpoints manned by UNTAC Civilian Police and the local police since 5 April 1993 have resulted in the confiscation of a total of 71 high-powered firearms such as AK-47 rifles, 65 low-powered firearms such as pistols and revolvers, 7 rocket launchers and hundreds of rounds of assorted ammunition. At Phnom Penh, 14 random checkpoints are mounted each day and an average of about 15 firearms are confiscated each week. These are stored for a time to enable the holders to justify their possession by producing documents and, if this is not done, the firearms are eventually destroyed. This has led to a significant decrease in reported crime at Phnom Penh. Serious crimes of all kinds, including murder, rape, armed robbery, the causing of explosions and the illegal discharge of firearms, totalled 66 in January and rose to 82 in February. In March the total fell to 65, and the April total was 35.

85. In accordance with paragraph 123 of the implementation plan [S/23613] and in order to ensure effective supervision by UNTAC of the police forces of the parties, the Civilian Police Component undertook a comprehensive study of the size, organization and equipment of the police forces of the three Cambodian factions complying with the peace accords. No access has been granted to the zone controlled by PDK. It was confirmed that the two smaller parties, FUNCINPEC and KPNLF, have limited operating police forces, while SOC has some 48,500 police officers, though inadequately trained and equipped.

86. Since the beginning of the mission the Component has provided training for the local police. It has conducted courses in basic training, operational training, traffic control, human rights, criminal law, criminal investigation, the roles of UNTAC and the Civilian Police Component, crime prevention, demonstration and riot control and the code of conduct. This training, which is ongoing, has taken place both at Phnom Penh and in the provinces, and has to date involved some 2,000 SOC police officers.

87. As indicated in paragraph 78 of the third progress report [S/25124], UNTAC Civilian Police have also been engaged in providing basic police training for the other factions. This training took place at Ampil and Osmach in the FUNCINPEC zone and at Thmar Pouk in the zone controlled by KPNLF. To date, more than 450 police officers have successfully completed their training courses, including 28 from PDK. The first police instructors' course for these three factions began in the UNTAC Khmer Police Training School at Thmar Pouk during April 1993.

H. Repatriation Component

88. The movement phase of the repatriation of some 365,000 Cambodian refugees and displaced persons from camps on the Thai border and elsewhere will have been completed by the end of April 1993. On 30 March 1993, exactly one year after the operation commenced, the United Nations High Commissioner for Refugees, Mrs. Sadako Ogata, presided over the official closing ceremony at the largest and last of the refugee camps, Site 2. The few thousand remaining refugees and displaced persons have now been repatriated, with the exception of about 600 who have refused to be repatriated. The Government of Thailand informed UNTAC that they would be deported.

89. The monthly rate of return rose from 4,000 in April 1992 to 20,000 in June 1992. By July, some 30,000 Cambodians were returning home each month. Although the rains made travelling conditions difficult, this was largely overcome by the use of rail and, in some cases, waterways. The rate of return rose to 35,000 a month by November and reached a peak of 40,000 in the months of January and February 1993. Though the great bulk of the returnees came from Thailand, some 2,000 were also repatriated from Indonesia, Viet Nam and Malaysia.

90. With respect to the reintegration sites within Cambodia, all four Cambodian parties have scrupulously respected the freedom of choice of the returnees. Most people chose to settle in areas controlled by the Phnom Penh authorities. Of the rest, about 33,000 chose to settle in the KPNLF zone, while several thousand settled in the PDK and FUNCINPEC zones. More than half of the returnees have settled in the northern provinces of Banteay Meanchey and Battambang, while many others have settled in Siem Reap, Kandal and Pursat provinces.

91. In addition to rations for 400 days and a domestic kit, returnees had the choice of several forms of assistance, including agricultural land, a housing plot and a cash grant in lieu of building materials. Most returnees, some 88 per cent, chose the cash grant.

92. In order to assist in reintegration, the Office of the United Nations High Commissioner for Refugees (UNHCR), the lead agency for repatriation, together with the United Nations Development Programme and various non-governmental organizations, implemented more than 60 quick-impact projects (QIPs) to help communities absorb the returnees. These include road and bridge repair, mine clearance, agricultural development, digging of wells and water ponds

and improvement and construction of sanitation, health and education facilities.

93. Since electoral registration began in October 1992, all eligible returnees were given the opportunity to be registered for elections on their return to their homeland, either in their final destination along with the local population or in the six reception centres. In January 1993, as the deadline for the end of the electoral registration period was approaching, a special arrangement was made between the Repatriation and Electoral components to enable registration of the remaining eligible population in the border camps. They were temporarily "listed" in Thailand during the month of January and received their registration cards upon return to Cambodia.

94. In cooperation with other UNTAC components, United Nations agencies and non-governmental organizations, UNHCR has established a country-wide mechanism for monitoring the condition of returnees. The main objective is to survey the security situation as well as the reintegration of returnees. Information will be collected by UNHCR coordinators in Cambodia who will analyse the information and try to address any problems that have arisen. With a view to the gradual phasing out of UNHCR international staff in the months ahead, the intention is to "Cambodianize" the system, using trained Cambodians in the near future. The training of such staff is currently progressing.

I. Rehabilitation Component

95. During 1992, the Supreme National Council, acting on the recommendation of UNTAC, approved a total of 35 rehabilitation projects worth \$340 million. Since the beginning of 1993, SNC has approved a further 10 projects worth about \$26 million. However, by March 1993 only about \$100 million of the \$880 million pledged at the Ministerial Conference on the Reconstruction and Rehabilitation of Cambodia held at Tokyo in June 1992 had been disbursed.

96. The Donors' Meeting held at Phnom Penh on 25 February 1993 reaffirmed donors' commitments to the principles for rehabilitation and reconstruction made at the Tokyo Conference. Donors reiterated the pledges they had made at that Conference and expressed their desire to address Cambodia's immediate needs. They declared their willingness to speed up disbursements over the pre-election period. More than 30 donors, including international and non-governmental agencies, are implementing their assistance programmes with disbursements scheduled over the next few months in key sectors such as health and education. Support is also being provided for institutional capacity-building with UNTAC's Rehabilitation Component and the Economic Adviser's Office preparing seminars and training programmes in priority areas of public sector management and civil service reform, investment planning and natural resource development.

97. Part of the rehabilitation support was a \$75 million International Development Association emergency rehabilitation credit from the World Bank for health, education, transport, agriculture and public utilities. At the working session of SNC held on 8 December 1992 an

aide-mémoire concerning the proposed loan was approved and it was decided that negotiations should open immediately with the World Bank to take up the loan. However, despite protracted and intensive negotiations it has since become clear that the Cambodian parties are unable to reach a meeting of minds on the credit agreement. In order to break the stalemate the matter was again brought to the plenary of SNC at its meeting on 4 April 1993, but no decision was reached.

98. The Rehabilitation Component, in close coordination with UNTAC military observers, Civil Administration and Civilian Police personnel deployed at border checkpoints, has continued to monitor the extent of compliance with the SNC moratorium on the export of timber adopted on 22 September 1992. The figures available show a continued decline in the number of violations and the quantity of logs exported, as follows:

<i>Month</i>	<i>No. of violations</i>	<i>Volume of timber (in cubic metres)</i>
January	46	48 049
February	11	12 370
March	5	2 345

99. In all five cases the faction responsible for the violation was the SOC. It should be made clear, however, that UNTAC still has no access to the zones controlled by PDK, nor is it permitted to station observers on the Thai side of the border to monitor violations that may be occurring in those zones.

100. On 10 February 1993, in addition to the 22 September 1992 moratorium on logs, SNC adopted supplementary measures aimed at discouraging further tree felling by reducing the volume of sawn timber allowed to be exported from Cambodia. It was agreed that the volume of sawn timber exported during the first five months of 1993 should not exceed five twelfths (5/12) of the absolute quota to be determined for 1993.

101. In the absence of a consensus among the Cambodian parties as to what that quota should be, my Special Representative determined that the overall forest exploitation target for the zone controlled by the State of Cambodia should be 215,000 cubic metres for 1993. This figure represents an overall decrease of 30 per cent from the 1991 level of forest exploitation, which was 309,891 cubic metres. Within this figure, the export of sawn timber for 1993 should not exceed 160,000 cubic metres.

102. At its working session on 9 March, SNC approved the UNTAC draft action plan on the implementation of the Declaration on Mining and Export of Minerals and Gems from Cambodia. The Declaration placed a moratorium on the commercial extraction of mineral resources on land and offshore and on the export of minerals and gems from Cambodia, effective 28 February 1993.

103. The Action Plan is to be implemented by the collection and dissemination of information, legislative measures,

enforcement by the local authorities under UNTAC supervision and the support of the international community, particularly the countries adjacent to Cambodia. A special appeal has been made to the Government of Thailand to request the Thai-registered companies operating in Cambodia to cease operations and remove their equipment from the country. I personally took up this matter with the Minister for Foreign Affairs of Thailand during my recent visit to Bangkok. However, response to this appeal is still awaited.

J. Information/education

104. A general overview of UNTAC's activities in this area was given in the third progress report [see S/25124, paras. 70 and 71 and 91 to 93], while its efforts to ensure fair access to the media are addressed in paragraphs 75 to 77 above.

105. While, in accordance with paragraph 8 of Security Council resolution 810 (1993), the main emphasis of UNTAC's information/education efforts during the electoral campaign is on the secrecy of the ballot (and on the production of political party campaign material for broadcasting), UNTAC is prepared to respond flexibly to rapidly changing circumstances by adjusting its broadcast messages. These would concern, for example, the importance of the election for the future of Cambodia and the importance of voting for individual Cambodians and, in particular, the need not to be intimidated.

106. The recent establishment of radio relay stations has helped expand the audience and bring the UNTAC message to all parts of the country. This has been supplemented by the distribution of hundreds of thousands of radios donated by the Japanese Government and Japanese non-governmental organizations.

107. In addition, UNTAC information videos on various aspects of the electoral process, including round-table discussions involving representatives of the 20 political parties contesting the election, have been shown on Phnom Penh television and distributed throughout the country. Though relatively few households outside the capital can receive Phnom Penh television directly, there is in most population centres a video parlour where villagers gather to watch videos and UNTAC provincial staff regularly give screenings of videos produced by UNTAC. Billboards to accommodate the posters of all the political parties have also been erected, as well as special banners and posters preparing voters for the election.

K. Creation and maintenance of a neutral political environment

108. A major challenge to the creation and maintenance of a neutral political environment has been posed by the various acts of violence and intimidation. At its working session on 9 March 1993, my Special Representative was obliged to inform the SNC that the election cannot be free and fair unless the basic minimum acceptable conditions are in place.

109. During the month of March about 100 persons, including many of Vietnamese descent, were killed in Cambodia. The

victims included members of all four Cambodian parties. Though many acts of violence had apparent political or ethnic overtones, some killings had no identifiable motivation and took place in an environment where, after years of war, there is an oversupply of weapons and violence is only too common.

110. The deteriorating security situation has rendered difficult the investigation of politically and racially motivated violence in provinces such as Kampong Thom, Siem Reap, Banteay Meanchey and Battambang.

111. Warrants were issued by the UNTAC Special Prosecutor for the arrest of 12 people during the period under review. These include 7 CPAF officers wanted in connection with the abduction and subsequent disappearance of 4 FUNCINPEC members in Battambang, 2 SOC officials wanted in connection with the murder of a Buddhist Liberal Democratic Party (BLDP) member in Prey Veng, and an NADK officer wanted in connection with the massacre at Chong Kneas in Siem Reap.

112. Efforts to maintain a neutral political environment have also been hampered by the surveillance conducted by the authorities of the Cambodian parties at all levels aimed at identifying political opponents and the harassment and intimidation of perceived opponents. All three existing administrative structures to which UNTAC has access have been mobilizing their resources to promote political support. Such activity by the Phnom Penh authorities, by virtue of the larger resources at their disposal, is a matter of particular concern to UNTAC. My Special Representative has repeatedly complained about this practice and stressed that it militates against the freeness and fairness of the election.

113. Early this year, a series of directives prepared by UNTAC dealing with the issue of political activities by members of existing administrative structures was signed by the three Cambodian parties complying with the Paris agreements. The directives prohibit the use of members of the armed forces, the police force and civil administration, respectively, for partisan purposes and permit these persons to engage in political activity only if this is conducted outside working hours and out of uniform.

114. UNTAC has devoted considerable efforts to easing the restrictions on freedom of expression and on freedom of movement in many areas of the country. Freedom of association with political parties and human rights groups, particularly at the provincial and district levels, has also traditionally been restricted. In order to dispel the climate of fear and intimidation UNTAC has pressed for an active political campaign by all the duly registered political parties with fair access to the media and the right to hold public meetings and rallies in safety.

115. Three aspects of the current wave of violence are addressed in the following paragraphs: attacks on Vietnamese-speaking persons, including those born in Cambodia of ethnic Vietnamese descent; attacks on political party members and offices; and attacks on UNTAC military and civilian personnel.

1. Attacks on Vietnamese-speaking persons

116. On 10 March 1993 a group of some 20 armed men attacked a floating village at Chong Kneas, Siem Reap Province, inhabited primarily by Cambodian-born persons of Vietnamese descent who fish on the Tonle Sap lake, killing 33 people including 12 children. A further 24 people were injured in the attack, and two of the assailants were themselves killed. UNTAC investigations concluded that the attackers were members of an NADK unit led by a Mr. Loeung Dara. UNTAC issued a warrant for his arrest and my Special Representative wrote to Mr. Khieu Samphan, President of the Party of Democratic Kampuchea, requesting that he be surrendered to UNTAC custody. No reply has been received to that request.

117. On 24 March 1993 a group of 10 to 20 assailants attacked three fishing boats at Chnok Tru village, Kompong Chhnang Province killing five adults and three children. Investigations have revealed evidence of NADK involvement, but UNTAC has so far not been able to make any arrests.

118. On the night of 29 March 1993, at Phnom Penh, at least four premises frequented or owned by Vietnamese-speaking persons were attacked by unidentified persons in a coordinated manner with hand-grenades, resulting in two deaths and at least 20 injuries.

119. As a result of these attacks, several thousand members of the Vietnamese community in Cambodia, many of whom have lived there for two or three generations, began to migrate from their homes towards the Vietnamese border, many of them by boat down the Tonle Sap and the Bassac River. UNTAC naval units supplemented by armed marines closely monitored these movements on the rivers in order to ensure that the local authorities assumed their responsibility to protect the migrants. The UNTAC Civilian Police did the same on land.

120. Since the exodus began in late March, 21,659 ethnic Vietnamese persons had, as of 28 April 1993, been recorded crossing the border into Viet Nam at border checkpoints manned by UNTAC personnel. It is not known how many more may have crossed at illegal or unmanned crossing points. The movement, however, has now been considerably reduced.

121. On 5 April 1993 Mr. Vu Khoan, Vice-Minister for Foreign Affairs of Viet Nam, met with my Special Representative and conveyed to him the profound disquiet of his Government at what he described as the acts of sabotage of the Paris agreements and the terrorist acts directed against Vietnamese-speaking persons by the Party of Democratic Kampuchea. He vigorously condemned the massacres that had taken place. The Vice-Minister urged UNTAC to take all possible measures to ensure the security of the Vietnamese population in Cambodia.

122. My Special Representative informed the Vice-Minister of UNTAC's determination to do all in its power to put an end to violence in Cambodia. However, it was made clear that the primary responsibility for the protection of civilians in the zone controlled by the Phnom Penh authorities rested with

those authorities. UNTAC would do its utmost to ensure that they complied with their responsibilities, but UNTAC's own resources were insufficient to provide full protection to the Vietnamese population while at the same time carrying out their priority task of protecting the electoral process. UNTAC also explained its position on foreign forces, foreign residents and immigrants, and persons born in Cambodia of foreign ancestry, as well as its efforts to maintain the distinction between those three categories.

123. During my visit to Viet Nam on 11 and 12 April 1993, I discussed the matter with the Government and stated that UNTAC would do its utmost to ensure the protection of the ethnic Vietnamese community in Cambodia. UNHCR is also taking all necessary precautions to help Viet Nam should there be an influx of ethnic Vietnamese from Cambodia.

2. Attacks on political party members and offices

124. Since political party activity began in September 1992, party members have been subjected to various kinds of threats, intimidation and violent attacks. On the basis of complaints made by political parties as well as reports from UNTAC components, UNTAC has kept records on various forms of interference with political activity, including allegations of harassment and intimidation as well as murders and armed attacks. Verbal threats and intimidation, including such acts as tearing down posters and notice-boards, have also occurred. Verbal threats are taken seriously because experience has shown that such threats are often carried out. Many of these attacks and incidents have been attributed to members or supporters of SOC.

125. During the first part of March there was a slight downward trend in politically motivated attacks in comparison with the number of incidents recorded during the corresponding period in February. However, the latter part of March was marked by a comparative increase in the number and the violent character of such incidents.

126. Efforts to gather, classify and interpret information on attacks alleged to be politically motivated are made difficult by the second-hand or unreliable nature of many of the allegations, the inadequacy of record keeping by the local authorities and the inadequate resources available to UNTAC to investigate and follow up allegations that are made. None the less, it can be said that the level of politically motivated violence has fallen since the high point reached in December 1992, that the level for the month of April so far tends to indicate a further fall and that this decline can be attributed at least in part to efforts directly undertaken by UNTAC as well as actions taken by the local authorities at UNTAC's urging. Whether that apparent improvement is real, and whether it can be sustained during the election campaign, has yet to be seen.

3. Attacks on UNTAC military and civilian personnel

127. Details of the incidents that resulted in the death of UNTAC civilian and military personnel are contained in the letter of 26 April 1993 [S/25669] which I addressed to the President of the Security Council in response to a request made

in the statement of the President on the safety and security of UNTAC staff issued on 5 April 1993 [S/25530]. Since then, evidence gathered in UNTAC's investigation of the killing of an UNTAC district electoral supervisor and his interpreter on 8 April appears to rule out the involvement in this incident of any Cambodian party as such and indicates that the motive for the killings may have been connected with decisions made in the recruitment of local electoral staff. UNTAC has not yet been able to determine the precise responsibility for this act, and investigation is continuing on an urgent basis.

128. During my visit to Cambodia on 7 and 8 April, I issued an urgent appeal for an end to violence. This was reiterated by my Special Representative at the SNC meeting on 10 April 1993, as well as by the Ambassadors to SNC of countries particularly concerned with the Cambodian situation.

129. Prince Sihanouk issued a strong declaration demanding of his "armed compatriots" that they refrain from acts of violence against UNTAC. That declaration was endorsed in writing by representatives of SOC, KPNLF and FUNCINPEC, but PDK declined to endorse it.

II. CONCLUDING OBSERVATIONS

130. The members of the Security Council are aware of the scope of the Paris agreements on Cambodia, and of the complexities of the peace process which have been accentuated due to the attitudes and actions of certain signatories. Consequently, it has not proved possible to implement fully all aspects of the Paris agreements in accordance with the implementation plan which I submitted to the Security Council in February 1992 [S/23613]. The non-cooperation of the Party of Democratic Kampuchea has persisted and all efforts by the Security Council, by UNTAC and by others to persuade it to assume the responsibilities it undertook in signing the agreements have been unavailing. The PDK's refusal to open its zones to UNTAC and to canton and disarm its troops as it had committed itself to do led to the suspension of the demobilization of the armed forces of the other three factions. SOC and CPAF personnel have also taken part in politically motivated attacks against opposition parties in order to intimidate them. Moreover, the massacres of Vietnamese-speaking persons and deliberate attacks on UNTAC members reflect the growing hostility of PDK to the peace process and to the elections. Though cease-fire violations are generally on a small scale and though UNTAC has achieved some successes in reducing political violence, the election will clearly not be taking place in an environment as disarmed and politically neutral as was envisaged in the Paris agreements and in the implementation plan.

131. These conditions have naturally given rise to serious concerns as to whether or not the election could or should proceed, and to what extent its results could be said to reflect the free expression of the will of the Cambodian people. If it is to go forward, as I believe it must, consideration has to be given to how it can be conducted most democratically and with the least possible risk to Cambodian and international electoral staff.

132. The Cambodian people as a whole have shown that they desire an election. Nearly 5 million Cambodians, or about 96 per cent of the eligible population, registered to vote in the registration exercise UNTAC conducted between October 1992 and January 1993. Twenty political parties completed the formalities for registration to compete in the election and in so doing have undertaken to accept the results. This is strong evidence of commitment to the electoral process. More convincing still is the evidence, as noted above, that tens of thousands of Cambodians throughout the country are engaging peacefully in public meetings and political rallies without violence or clashes. The three Cambodian parties cooperating with UNTAC, too, have pledged themselves to accept the election results.

133. It is clear, therefore, that the United Nations is called upon to do its utmost to proceed with the election. To do otherwise would be to neglect a duty to the Cambodian people that has been entrusted to the United Nations by the international community through the Paris agreements and the Security Council. Not to proceed would mean ceding to unacceptable threats and giving the right of veto over the peace process to an armed group that has rejected its commitment under the Paris agreements.

134. It is equally clear, however, that the election will not be proceeding in the way originally envisaged. The events since March make it prudent to assume that further violence is likely against individual Cambodians, against political parties and against UNTAC personnel. The danger is that such attacks will have an impact on the voter turnout. UNTAC has been tightening security measures in the provinces most affected. However, such measures could also lower the turnout, yet cannot assure the complete safety of voters or of local and international staff if armed and violent individuals are determined to hinder the election.

135. As noted in paragraph 2 above, the Security Council in its resolution 810 (1993) requests the Secretary-General to report in the context of the fourth progress report on any further measures that may be necessary and appropriate to ensure the realization of the fundamental objectives of the Paris agreements.

136. In paragraph 31 of my report of 15 November 1992 [S/24800], I had proposed that, given the altered conditions for UNTAC's operation, the level of deployment of its Military Component, which under the original implementation plan was to have been reduced after the completion of the cantonment and demobilization process, should be maintained until the election. Further, in paragraph 44 of my report of 13 February 1993 [S/25289 para. 44], I had indicated my intention, in due course, to submit appropriate recommendations to the Security Council on the level of deployment of UNTAC's Military and Civilian Police Components that would be needed for the remainder of the transitional period. As the members of the Security Council are aware, that level would depend to a significant extent on the outcome of the election and the conditions that would prevail after the election, and it would not be possible to make an adequate assessment at this time. It would therefore be my intention to submit to the Security

Council after the election a further report on the activities of UNTAC including my assessment and recommendation on this subject. Pending that report, I again propose that UNTAC's Military and Civilian Police Components be maintained at the present level.

137. It has become quite evident that some of the Cambodian parties that signed the Paris agreements have been less than consistent in applying those agreements and have not given UNTAC the cooperation required under them. I therefore think it worth restating that the primary responsibility for implementing the agreements rests squarely on the Cambodian parties themselves. This includes the obligation of each of the parties to maintain security in the zones it controls and to contribute to the creation and maintenance of a neutral political environment. The State of Cambodia must prevent or punish politically motivated crimes committed in its zone and desist from using the State apparatus for party political ends. The Party of Democratic Kampuchea risks international and internal isolation if it is seen to have attempted to disrupt the Cambodian elections. That Party must also be held responsible for the attacks it has carried out against Cambodians, including those of Vietnamese ancestry, and against UNTAC personnel, as well as for any future attacks it may carry out. The Parties of FUNCINPEC and KPNLF must persist in their determination to campaign peacefully without giving in to intimidation.

138. If the holding of a free and fair election in Cambodia is a test for the United Nations, it is also a test for Cambodians themselves. Neither peace nor elections nor national reconciliation can be imposed by force, nor indeed is UNTAC mandated or equipped to use force. As I have remarked in an earlier report, Cambodian parties cannot expect the international community to succeed where they themselves fail.

139. Under the circumstances, the United Nations faces a difficult decision. One alternative is to proceed with the best possible election under imperfect conditions, in the knowledge that that is what the majority of Cambodians desire and in the hope that the authentic voice of Cambodia will be heard and obeyed. The other choice would be to declare that the basic acceptable conditions for free and fair elections do not exist in Cambodia because of the climate of violence and hostility, and because violence may worsen further after the elections, whatever the results.

140. Taking all these circumstances into consideration, there is no doubt in my mind that UNTAC must continue to carry out its mandate as well as it can. It must do so with all caution and prudence and with the greatest possible concern for the safety of its own staff and the well-being of Cambodians. It may well be, in the light of the sobering experience of the last 13 months, that the expectations originally entertained for ensuring that the election is free and fair and for the success of national reconciliation were overly optimistic. Nevertheless, given Cambodia's recent tragic history, it would probably be neither realistic nor fair to hold it to prevailing standards in stable democratic countries. Conditions for an election in Cambodia have never been perfect and may not be so for a

long time, any more than they are in many other countries. That is no reason to hold back an election which, after all, is not the end of the process of Cambodia's renewal but the beginning.

141. In the last analysis, it is on the shoulders of the Cambodian people and the Cambodian parties, which are members of the Supreme National Council and signatories of the Paris agreements, as well as the political parties taking part in the election, that responsibility for Cambodia's future rests. The situation in Cambodia remains uncertain and the way ahead for the peace process and for UNTAC will not be smooth. Nevertheless, UNTAC will continue to do its utmost to assist the Cambodian people in carrying out their obligations under the Paris agreements and achieving a future of peace, stability and self-determination.

DOCUMENT S/25720

Letter dated 30 April 1993 from the representative of the Russian Federation to the Secretary-General

*[Original: Russian]
[4 May 1993]*

I have the honour to inform you that, on 27 April 1993, the Supreme Council of the Russian Federation, having considered the appeal of the President of the Russian Federation and the request of the Supreme Council of the Republic of Tajikistan, adopted a resolution on participation of a Russian military contingent in the joint forces for the maintenance of peace in Tajikistan. In the resolution the Supreme Council of the Russian Federation agrees to make available up to 500 men (on a voluntary basis) to the military contingent, to participate in these forces together with Kazakhstan, Kyrgyzstan and Uzbekistan.

The Government of the Russian Federation has been instructed to settle issues relating to the formation of a Russian military subdivision and its assignment to participate in the joint forces operation for the maintenance of peace in Tajikistan once the relevant agreements have been concluded with the Governments of Kazakhstan, Kyrgyzstan, Uzbekistan and Tajikistan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Y. VORONTSOV
Permanent Representative of the Russian Federation
to the United Nations*

DOCUMENT S/25723

Letter dated 4 May 1993 from the representative of Azerbaijan to the President of the Security Council

*[Original: Russian]
[4 May 1993]*

I have the honour to transmit to you the text of a message addressed to you by the President of the Azerbaijani Republic, Abulfaz Elchibey.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

TEXT OF THE MESSAGE

I thank you most warmly for your efforts resulting in the adoption of Security Council resolution 822 (1993), which was received with the greatest appreciation by the people and Government of Azerbaijan.

Aware of the serious opposition organized by the Armenian side to the draft text submitted by Azerbaijan, we regard this resolution as a great achievement and ask you to take all necessary measures for its implementation, in particular to ensure the "immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan".

We greatly appreciate the fact that this resolution reaffirms the territorial integrity of all States in the region, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory, and we declare our readiness to resume negotiations immediately with a view to the resolution of the conflict within the framework of the peace process of the Minsk Group of the Conference on Security and Cooperation in Europe, which you support.

For information, I should like to note that the responsibility for all previous disruptions of efforts to achieve a cease-fire and begin peaceful negotiations rests with the Armenian side.

Abulfaz ELCHIBEY
Baku, 4 May 1993

DOCUMENT S/25724

Letter dated 4 May 1993 from the representative of Azerbaijan to the President of the Security Council

*[Original: Russian]
[4 May 1993]*

I have the honour to transmit to you the text of a statement by the Ministry of Foreign Affairs of the Azerbaijani Republic, dated 4 May 1993.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

TEXT OF THE STATEMENT

On 30 April 1993, in response to an appeal by the Azerbaijani Republic, the Security Council considered the

critical situation resulting from the aggression by Armenian armed forces and their seizure of Azerbaijani territories, and adopted resolution 822 (1993).

As the victim of aggression by the Republic of Armenia, the Azerbaijani Republic greatly appreciates the efforts of the Security Council to bring about an end to the aggression and the liberation of the occupied Azerbaijani territories.

By reaffirming the principles of respect for the sovereignty and territorial integrity of States, the inviolability of international borders and the inadmissibility of the use of force for the acquisition of territory, the Security Council clearly defined the basis for security and stability in the region. The resolution of the Council, which simply and emphatically demands the "immediate withdrawal of all occupying forces from the Kelbadjar district and other recently occupied areas of Azerbaijan", leaves the aggressor no other course but to withdraw its forces beyond the borders of the Azerbaijani Republic and abandon its expansionist policy.

Now that the resolution of the Security Council has been adopted, the Azerbaijani Republic, and with it the whole world community, expects the Armenian leaders, realizing their full responsibility for the violations of international law which they have committed, to take all the necessary measures for the implementation of the resolution.

Only strict compliance by the Armenian side with the demands of this influential international organ will permit the resumption of the negotiating process within the framework of the Conference on Security and Cooperation in Europe aimed at a comprehensive settlement of the conflict between Armenia and Azerbaijan, a process which has been undermined by the aggression and occupation.

This resolution was the first decision by the Security Council on the question of the conflict between Armenia and Azerbaijan and, although it does not cover all aspects and the scale and consequences of Armenian aggression against Azerbaijan, it nevertheless gives the Azerbaijani Republic hope that its rights as a sovereign State Member of the United Nations, which have been flouted, will be protected by the world community.

In view of the conditions in which the resolution was adopted, the Azerbaijani Republic is convinced that the future work of the Security Council, reinforced by the intensified activities of the fact-finding mission, will lead to the adoption of the necessary decisions on the basis of an objective appraisal of the real causes and nature of the tragic events and of the responsibility of the party through whose fault they have occurred. The Azerbaijani Republic, in turn, is prepared to offer its full cooperation to that end.

DOCUMENT S/25725*

Letter dated 4 May 1993 from the representative of Turkey to the Secretary-General

[Original: English]
[4 May 1993]

I have the honour to transmit herewith the text of a letter addressed to you by Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly and of the Security Council.

(Signed) Inal BATU
Permanent Representative of Turkey
to the United Nations

ANNEX

Letter dated 4 May 1993 from Mr. Osman Ertuğ to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the recent unprovoked assault on a Turkish cargo ship destined for Gazimagosa port in Northern Cyprus by Greek Cypriot gunboats while it was sailing in international waters off the coast of Larnaca, Southern Cyprus, and to bring to your attention the negative implications of this hostile action on intercommunal relations and the efforts being conducted under your auspices for a negotiated solution in Cyprus.

As you are aware, the incident occurred on 28 April 1993 at around 9.45 a.m. local time, when a Greek Cypriot gunboat approached the Turkish freighter, *Alp-5*, which was sailing in international waters 20 to 22 nautical miles off the coast of Larnaca and, without warning, started firing at the ship. As a result, the captain of the ship and a crew member were injured.

The Greek Cypriot gunboat was later joined by another gunboat and the two together started following the cargo ship, trying to force it to change course and enter into Greek Cypriot territorial waters, by blocking its way and at the same time firing at it from all directions.

When the ship's distress message was received in Northern Cyprus, our authorities requested assistance from the United Nations Peace-keeping Force in Cyprus (UNFICYP) and the nearby British base, but the helicopters that were sent could not approach the ship because of the continuous firing. Upon strong representations by our authorities through UNFICYP, the firing was finally stopped at 12.25 p.m., but the gunboats kept pursuing the ship. Thus the helicopters could arrive at the scene of the incident only at 2.00 p.m. and the wounded were given first aid treatment on board by the British doctors who were flown in.

*Circulated under the double symbol A/47/939-S/25725.

All subsequent efforts to have the injured flown to Gazimagosa Hospital, which was the nearest one to the area, did not produce results because of the pressure exerted by the Greek Cypriot side. Thus, the ship had to continue its journey, at great risk to the injured on board, until it reached Gazimagosa port at 8.30 p.m. the same day. The wounded crew members were then taken to Gazimagosa State Hospital, where they had to undergo surgery.

After the ship arrived at Gazimagosa port, it was inspected by a team of experts, in the presence of a senior UNFICYP officer. It was observed that, in addition to other weapons, a 20-mm heavy gun had been used in the firing, shattering the windows of the bridge. In fact, it clearly appeared that the bridge was the main target of the assault, which indicates malicious intent to kill or harm the sailors.

There is absolutely no justification for this hostile action of the Greek Cypriot side, which was carried out without warning and in international waters. The Greek Cypriot claim that the ship was in their territorial waters when it was attacked is baseless, because eyewitness accounts by the crew indicate that there were other foreign vessels in the same area at the same time, sailing closer to the shore, that were not interfered with. The fact that the Greek Cypriot gunboats singled out the Turkish freighter, tried to force it into their territorial waters by firing on it and blocking its way is itself an indication that the Greek Cypriot culprits were aiming to create justification for this act of piracy on the high seas.

This incident once again demonstrates the inability of the Greek Cypriot side even to tolerate the presence of the Turkish flag or anything Turkish in their vicinity. It is also another instance of their hostile policy of blocking all outside links of the Turkish Republic of Northern Cyprus with the outside world.

At a time when efforts are being made under your auspices to achieve progress towards a negotiated solution and confidence-building measures are high on the agenda, I need hardly reiterate that acts of provocation of this nature aimed at creating tension only serve to deepen the abyss of mistrust between the two peoples in Cyprus and hamper prospects for a solution.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

DOCUMENT S/25728

**Letter dated 5 May 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

[Original: English]
[5 May 1993]

I have the honour to submit to you the attached letter, dated 5 May 1993, providing an update on the continuing attack on Zepa by Serbian forces, from the Ministry of Foreign Affairs of the Republic of Bosnia and Herzegovina.

We humbly request that Member States and/or regional organizations undertake measures in accordance with Security Council resolution 770 (1992) to address the urgent humanitarian tragedy unfolding at Zepa.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and
Herzegovina to the United Nations

TEXT OF THE LETTER

The Ministry of Foreign Affairs of the Republic of Bosnia and Herzegovina has received new information relating the situation at Zepa on 5 May 1993.

The aggressor offensive continued with somewhat decreased intensity throughout the night. In the morning hours the shelling of civilian targets escalated on the entire territory. There are infantry fighting on the 15 km long front line. According to the information, though incomplete, there are casualties, mainly among the civilians. Scores of wounded, ill and weak, with no one to help them, because all have fled away, have been reported. The population of settlements near to Zepa has been evacuated to the caves and woods. The hospital has been also evacuated because there are no conditions for its activity any longer.

1. We request to deploy the UNPROFOR [United Nations Protection Force] observers, who have been announced for today, immediately.

2. We also request a surgery team to be sent immediately through the humanitarian organization "Doctors without frontiers" along with the minimum of medical equipment (mobile hospital) because there is neither medical equipment nor any conditions to work at Zepa any longer.

3. A land convoy with medicines and food to be sent immediately.

4. We are appealing once again to the international community to undertake most urgent steps to stop the aggression immediately and protect the civilian population.

Sarajevo, 5 May 1993

(Signed) Sulejagn SULJIC
Undersecretary

DOCUMENT S/25730

**Letter dated 5 May 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

[Original: English]
[5 May 1993]

Today at 1700 hours New York time I spoke with the President of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegovic. The President informed me of the continuing attack on the town of Zepa and of the tremendous suffering and casualties being experienced by the civilian population there.

President Izetbegovic stated that the fate of these people is now in the hands of the Security Council and he implored the Council to take whatever steps necessary to save Zepa and its people. The President requests the Council to respond to this plea tonight.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations*

DOCUMENT S/25731

**Letter dated 6 May 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

*[Original: English]
[6 May 1993]*

We have received further information regarding Serbian and Montenegrin aggression against areas of free territory in Bosnia and Herzegovina. The 40,000 civilians of Zepa are enduring their third consecutive day of intense artillery bombardment. Reports from the Presidency of the Republic of Bosnia and Herzegovina estimate that at least 134 civilians have already been killed, and 215 injured, and nearly 300 are missing and are feared dead. Because the bombardment of Zepa has been non-stop, the dead cannot be buried, nor can the wounded receive treatment. We have received a more recent but yet not fully confirmed report that approximately 400 civilians have been murdered at Zepa, a third of them children.

To aggravate further the humanitarian situation, new Serbian and Montenegrin troops brought from the town of Han Pisejak have broken through the defence lines of the lightly armed defence forces. The civilian population is fleeing the town for outlying caves and forests. The town's hospital has also been moved to an outlying cave, which has already become overcrowded with the wounded.

The free territory of Tuzla also came under shelling for the first time in two weeks. Preliminary reports from the city have confirmed that at least three people (probably members of the same family) have been killed.

Today and yesterday, aggressor forces have continued to shell Sarajevo. The heaviest shelling was directed towards the "Stari Grad" and "Centar" sections of the city, which are the most populated. The number of casualties cannot yet be confirmed.

We ask that the Security Council take immediate and resolute action to halt these intensified acts of aggression. Especially with regard to Zepa and the plight of its civilian population, we specifically request urgent helicopter

evacuation of at least 215 civilians already wounded, who are doomed to die, unless properly and swiftly treated.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations*

DOCUMENT S/25734* **

**Letter dated 4 May 1993 from the representative of
Paraguay to the Secretary-General**

*[Original: Spanish]
[6 May 1993]*

I have the honour to transmit to you herewith, the statement by the Ministry of Foreign Affairs of my country concerning the denunciation of the Treaty on the Non-Proliferation of Nuclear Weapons by the Government of the Democratic People's Republic of Korea.

I should be grateful if you would have the text of this letter and the statement circulated as document of the General Assembly and of the Security Council.

*(Signed) B. Hugo SAGUIER-CABALLERO
Permanent Representative of Paraguay
to the United Nations*

TEXT OF THE STATEMENT

The Government of the Republic of Paraguay expresses its concern at the decision of the Government of the Democratic People's Republic of Korea to denounce the Treaty on the Non-Proliferation of Nuclear Weapons and the safeguards Agreement.

The position adopted by the Government of the Democratic People's Republic of Korea affects peace and security in the peninsula of Korea, a region which had moved towards its denuclearization and the signing of a non-proliferation treaty.

Moreover, this position is a clear violation of the safeguard principles in effect in the international community; accordingly, the Government of the Republic of Paraguay urges the Government of the Democratic People's Republic of Korea to reconsider its decision and to fulfil the commitments it undertook in signing the Treaty.

Asunción, 26 April 1993

*Incorporating document S/25734/Corr.1 of 10 May 1993.

**Circulated under the double symbol A/48/160-S/25734 and Corr.1.

DOCUMENT S/25735*

**Letter dated 6 May 1993 from the representative of
Turkey to the Secretary-General**

[Original: English]
[6 May 1993]

I have the honour to transmit herewith a statement issued on 6 May 1993 by the Ministry of Foreign Affairs of the Republic of Turkey on the situation in Bosnia and Herzegovina.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(Signed) Inal BATU
*Permanent Representative of Turkey
to the United Nations*

TEXT OF THE STATEMENT

Yesterday the illegitimate Serbian Parliament in Bosnia and Herzegovina did not endorse the Vance-Owen peace plan, which it had actually rejected twice before, and chose to resort to further delaying tactics by seeking a referendum. This has revealed once again what kind of measures the international community must take to stop the Serbian aggression and genocide in Bosnia and Herzegovina.

The *démarches* and contacts made by the Turkish Government within the international community and international organizations in this regard are well known. Turkey, mindful that the Bosnian people have been paying a terrible price for the vacillation and indecisiveness of the international community for more than a year, emphasizes that the international community must act urgently to stop the "ethnic cleansing" if it does not want to be an accomplice to acts of genocide.

Concerned over the possibility of the aggression spreading further, Turkey is convinced that economic sanctions are not sufficient to respond to the atrocities of such magnitude. Turkey therefore demands that more effective measures should be taken now.

We hope that this time the international community will demonstrate its determination and shoulder its duties and responsibilities. For its part, Turkey is prepared to carry out its responsibilities and shall continue to contribute to this end.

DOCUMENT S/25736

**Letter dated 6 May 1993 from the representative of
Azerbaijan to the President of the Security Council**

[Original: Russian]
[7 May 1993]

I have the honour to inform you that, on 3 May, a joint plan for the peaceful settlement of the conflict between Azerbaijan and Armenia was submitted by the representatives of the United States of America, Turkey and the Russian Federation. Guided by its desire for a peaceful political settlement of the conflict, and proceeding from the understanding that the proposed plan establishes the preconditions for the implementation of Security Council resolution 822 (1993) of 30 April 1993, the Azerbaijani Republic has accepted these proposals.

At the same time, I wish to point out that the Republic of Armenia is openly torpedoing implementation of resolution 822 (1993) on the withdrawal of all occupying forces from the territory of the Azerbaijani Republic and is continuing its hostilities against Azerbaijani settlements.

In the morning of 1 May, the armed forces of Armenia violated the frontier and invaded the territory of the Kazakh district of Azerbaijan, seizing the frontier villages of Farakhly, Gushchu Airym and Mezem. At 3 p.m. on the same day, the aggressor retreated, leaving the villages burnt to the ground. On that same day, a group of Armenian saboteurs killed two local Azerbaijani inhabitants near the frontier village of Kemerly. To date, 6 villages of the Kazakh district have been occupied by armed forces of the Republic of Armenia and a further 10 are within the zone of hostilities. The entire civilian population has been forced to abandon the villages.

On 1 May, the National Army of the Republic of Armenia, with the use of tanks, armoured fighting vehicles and military helicopters, mounted an attack from the village of Khagedzor in the Shamseddin district of Armenia against the village of Garavellyar in the Kedabek district of Azerbaijan, with the aim of seizing the Bashkend pass, situated in Azerbaijani territory.

On 1 May, frontier villages of the Zangelan district in the south-west of Azerbaijan were subjected to shelling by Grad artillery systems and rocket launchers from the territory of Armenia. Two shells fell on the territory of the Islamic Republic of Iran.

The situation in the Fizuli district of Azerbaijan remains difficult. On 1 May, the village of Dilagyardy was subjected to shelling by tanks and cannons from the direction of the village of Krasny Bazar, which had been seized by Armenian armed formations. Two people were killed.

On 2 May, mortar shelling from the territory of Armenia caused the deaths of a woman and child, inhabitants of the village of Gushchu Airym in the Kazakh district of Azerbaijan. That same day, Armenian armed forces subjected the district centre of Kazakh in the Azerbaijani Republic to heavy artillery

* Circulated under the double symbol A/47/942-S/25735.

shelling. Three people were wounded, including one citizen of Georgia. The town has been seriously damaged and five families are now homeless.

On the night of 2 May, the Azerbaijani villages of Alibeily in the Tauz district, Kechikly, Razdere, Kollu Gyshlag, Meshadi Ismailly in the Zangelan district and frontier posts in the Kedabek district of Azerbaijan were subjected to artillery shelling from the territory of the Kafan district of Armenia. There is extensive damage in the villages.

On 3 May, Azerbaijani frontier posts in the Sadarak district of the Nakhichevan region of Azerbaijan came under fire from heavy machine-guns from the territory of the Ararat district of Armenia.

On 4 May, the villages of Kyoina Gyshlag in the Akstafa district and Novosaratovka and Bashkend in the Kedabek district came under fire from various types of weapons from the territory of Armenia.

On 5 May, the village of Mutedere in the Kedabek district of Azerbaijan was subjected to shelling by Grad artillery systems and heavy weapons from the direction of the Krasnoselsk district of Armenia.

In the morning of 6 May, the village of Agdam in the Tauz district of the Azerbaijani Republic came under fire from tanks and heavy machine-guns from the direction of the Berd district of the Republic of Armenia.

Reports have also been received from the region that, between 2 and 5 May, troops and *matériel* have been dispatched from military bases in the Vardenis district of Armenia to the occupied Kelbadjar and Agdere districts of Azerbaijan.

As is apparent from the above facts, the actions of the Armenian armed forces are totally in conflict with the decision of the Security Council expressed in its resolution 822 (1993) and are designed to set to naught the efforts by the international community to reach a peaceful settlement of the conflict.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
*Permanent Representative of Azerbaijan
to the United Nations*

DOCUMENT S/25738

**Letter dated 7 May 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

[Original: English]
[7 May 1993]

Today, we have received reports of Serbian acts of cultural genocide against the Muslim population of Banja Luka.

Serbian occupation authorities in Banja Luka destroyed two mosques in the city centre using heavy explosives. The Ferhadija mosque was damaged beyond repair. The Armoudija mosque was razed to its structural foundations, while its cemetery was also razed. Both mosques were more than 400 years old, and were the most frequented mosques before occupation by Serbian de facto authorities. Other cultural and civil structures within 1,000 metres of the mosques also suffered extensive damage. Following the destruction of these mosques, many members of the remaining Muslim population of Banja Luka became objects of harassment from Serbian extremists, threatening them with expulsion if they do not leave voluntarily.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
*Permanent Representative of Bosnia and Herzegovina
to the United Nations*

DOCUMENT S/25739

**Letter dated 7 May 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

[Original: English]
[7 May 1993]

Serbian forces continue to attack the civilian population of Zepa with unabated intensity. To date, at least 200 civilians have been confirmed dead and another 320 wounded. More civilians have fled to the outlying caves and forests in search of medical treatment; however, those administering this aid are without medical equipment, and almost completely out of medicines.

To further aggravate the humanitarian situation, Serbian artillery units, which arrived yesterday from the towns of Han Pisejak and Borike, have taken up positions on hills around Zepa.

May I ask for your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
*Permanent Representative of Bosnia and Herzegovina
to the United Nations*

DOCUMENT S/25740*

**Letter dated 6 May 1993 from the representative of
Cyprus to the Secretary-General**

[Original: English]
[7 May 1993]

I have the honour to refer to a letter dated 29 April 1993 [S/25688] addressed to you by the Permanent Representative

*Circulated under the double symbol A/47/944-S/25740.

of Turkey and circulated as a document of the General Assembly and of the Security Council in response to a statement made by the delegation of Cyprus in the Special Committee on Peace-keeping Operations on 23 April 1993.

This is the latest instance of the abuse of the process of circulation of United Nations official documents by the Turkish Mission in the name of the so-called "Turkish Republic of Northern Cyprus", an entity recognized by no member of the international community other than Turkey itself and which was rightly described in Security Council resolution 541 (1983) of 18 November 1983 as "legally invalid" and incompatible with the 1960 Treaty concerning the establishment of the Republic of Cyprus²⁰ and the 1960 Treaty of Guarantee.²¹ The Security Council, in its resolution 550 (1984) of 11 May 1984, called upon all States "not to facilitate or in any way assist the aforesaid secessionist entity" and, as recently as 25 November 1992, in its resolution 789 (1992), it emphatically reaffirmed the aforesaid resolutions. Yet, once again, we encounter the oxymoron of the Turkish Mission being allowed to abuse the right of a Member State to request the circulation as United Nations documents of communications in the name of that unrecognized entity which the Security Council itself described and continues to regard as secessionist and legally invalid and which it called on all States not to facilitate or in any way assist.

It is said in the annex to the aforesaid letter of the Permanent Representative of Turkey that the Turkish Cypriot side feels compelled to exercise its "right of reply" in writing. Leaving aside the improper mode of referring to my delegation in a manner incompatible with accepted and generally respected United Nations terminology, it is clear to anyone who heard or read the statement of my delegation in the Special Committee on Peace-keeping Operations on 23 April 1993, that no references whatsoever were made to the Turkish Cypriot community. There were indeed certain references made to Turkey's role in the Cyprus crisis from 1963 onwards, in the context of illustrating our position on United Nations peace-keeping and the United Nations Peace-keeping Force in Cyprus (UNFICYP) in particular, but Turkey was duly represented in the Committee and could have exercised its right of reply if it so wished. Since the Turkish Mission saw fit to adopt the method of airing its views through the circulation of a written document of the Security Council and the General Assembly, we also feel compelled to refute these views and unfounded allegations in the same manner.

In addition to stating our position on the various aspects of the item under discussion in the Special Committee on Peace-keeping Operations, my delegation had stated that we attach great importance to United Nations peace-keeping, the more so since Cyprus is itself a case study of United Nations peace-keeping and a test case of its relevance and effectiveness, as well as of its corollaries of peacemaking and peace-building. We expressed the strong belief that peace-keeping is a collective responsibility in accordance with Article 17, paragraph 2, of the Charter of the United Nations. In the context of the topic of the security of United Nations peace-keeping forces, we stated that "we remember with sadness the fatal casualties caused to peace-keepers in Cyprus

in 1974 as a result of the indiscriminate napalm bombing by the invading country's air force". Perhaps it should have been specified that these sad casualties were members of the Austrian United Nations contingent, to whose memory we pay tribute, and that the invading country was, of course, Turkey.

We stated that Cyprus, from the beginning of its existence as an independent State, has consciously made the principles of the Charter central to its foreign policy, as a small and militarily weak State sought the Organization's protection when faced by threats of outside aggression and did not hesitate in giving its consent to the establishment of a United Nations force on its territory. This is a perfectly valid and accurate position. Those who have short memories could be reminded that it was the Government of Cyprus that in its letter of 26 December 1963 to the Security Council [S/5488], sought protection against the Turkish threats and acts of intervention, that it was my Government that invoked the involvement of the Security Council in February 1964 and it was my Government that willingly gave its consent to the establishment and operation of UNFICYP under Security Council resolution 186 (1964) of 4 March 1964.

This, we stressed, was a well conceived and well constructed resolution which stood the test of time. It quite properly referred to the cardinal principle in Article 2, paragraph 4, of the Charter prohibiting the threat or use of force by Member States in their international relations against the territorial integrity or political independence of any State, called upon all Member States, in conformity with their obligations under the Charter, to refrain from any action or threat of action likely to worsen the situation in the sovereign Republic of Cyprus or to endanger international peace; recommended the creation, with the consent of the Government of Cyprus, of UNFICYP; and recommended the appointment of a United Nations mediator "for the purpose of promoting a peaceful solution and an agreed settlement of the problem confronting Cyprus, in accordance with the Charter of the United Nations, having in mind the well being of the people of Cyprus as a whole and the preservation of international peace and security".

Under the terms of resolution 186 (1964), we stated, there was provision not only for peace-keeping through UNFICYP but also for peacemaking through the efforts of the United Nations mediator. Mr. Galo Plaza, a former President of Ecuador and the mediator appointed under that resolution (following the untimely death of the first mediator, S. Tuomioja, of Finland), produced early in 1965 a judicious and balanced report outlining a fair and lasting solution, which if accepted by all parties concerned, as it was accepted by my Government, would have solved the problem in accordance with his terms of reference, which I cited earlier; that is to say, in accordance with the Charter of the United Nations, having in mind the well-being of the people of Cyprus as a whole and the preservation of international peace and security. If this had happened, as was the intention of the Security Council, the problem would have been solved already as of that time, and UNFICYP would have been no longer necessary as of 1965. However, the United Nations mediator's report was rejected by Turkey, and the international community took no steps to

ensure compliance. This condemned the peacemaking leg under resolution 186 (1964) to atrophy, while the other leg, that of peace-keeping with UNFICYP, continued on and on since its continued presence was rightly judged still to be necessary. This fact should be remembered by all, and especially those who, with a certain degree of justification, complain that UNFICYP has been in existence for too long a period of time. The Cyprus example, we stressed, is the best proof that an intense effort of peacemaking must be pursued in parallel with every peace-keeping operation. The lesson to be drawn from the Cyprus peace-keeping efforts is that as long as one of the parties concerned is not willing to comply with the dictates of the international community, as spelled out in unanimously adopted and binding resolutions of the Security Council, and as long as the members of the international community are not willing or able to act effectively in order to implement the resolutions for which they voted, peacemaking will lag behind, resulting in the indefinite continuation, if not the perpetuation, of the problem. This is an evidently unsatisfactory situation, unsatisfactory to the Government directly concerned no less than to the contributing countries and to the United Nations. The answer lies not in abandoning the peace-keeping effort, thereby abdicating responsibility and leaving the weak at the mercy of the strong, but in pressing on with effective peacemaking through the implementation of the relevant resolutions of the Security Council by all available means, so as to reach a workable and viable solution consistent with the principles of the Charter and United Nations resolutions.

My delegation also stated that following the 1974 invasion and the occupation of more than a third of the territory of the Republic of Cyprus by the Turkish armed forces and the resulting situation of "ethnic cleansing" carried out by these forces, the Security Council and the General Assembly unanimously adopted resolutions demanding the immediate withdrawal of the foreign armed forces, the return of the refugees to their homes in safety and respect for the sovereignty, territorial integrity and independence of the Republic of Cyprus. Yet these resolutions remain unimplemented. UNFICYP adjusted its mandate to the new situation, supervised the cease-fire and commendably carried out other functions, including those under the third Vienna Agreement of 1975, to alleviate human suffering resulting from the continued military occupation and the forcible artificial division of the island. Sadly, nearly two decades later, the Cyprus problem remains unresolved, while UNFICYP faces serious financial and other problems.

Despite the presence and best efforts of UNFICYP, serious incidents are still occurring, and only a few days ago an unarmed 20-year-old Greek-Cypriot soldier was shot and killed by a Turkish soldier in the buffer zone. The facts of this incident are contained in document S/25579, dated 12 April 1993. This latest tragic event reaffirms the need for maintaining the United Nations Peace-keeping Force in Cyprus with its current strength and mandate so as to contain situations which otherwise might get out of control, with unpredictable and serious consequences to peace on the island and in the region.

The problems of the peace-keeping operation in Cyprus are identified and analysed in the latest report of the Secretary-General to the Security Council [S/25492]. UNFICYP's role should not be jeopardized by altering its structure or reducing its strength, especially at this critical moment of intense negotiations under the auspices of the Secretary-General. Our view is that the present financial difficulties of UNFICYP should be solved as a matter of urgency along the lines proposed by the Secretary-General. The maintenance of the present status of UNFICYP remains essential. Any change would adversely affect the possibilities for a peaceful outcome of the Cyprus problem and would expose the country, with its limited military defence, to the threat of a powerful foreign occupation army. It might also be interpreted as a form of pressure on the party which has demonstrated the political good will to find a just and viable solution to the Cyprus problem and has shown its willingness for compromise and conciliation, as generally recognized and as reaffirmed in the most recent resolutions of the Security Council.

In sharp contrast with Turkey, the country which bears a large part of the responsibility for the circumstances which necessitated the establishment of UNFICYP and, through the continuing presence of its 35,000-strong occupation army, is responsible for the prolonged presence of the Force on the island, Cyprus, from the beginning, contributed substantially towards the costs of UNFICYP, both in monetary and in material terms, despite the tremendous upheaval and the catastrophic consequences brought about by the 1974 invasion. Moreover, in light of the current difficulties, my Government, as recently as last month, offered to meet on a continuing basis one third of the annual costs of UNFICYP (15.71 million dollars, on the basis of the Secretary-General's estimate of 47.13 million dollars) as a means of facilitating the objectives proposed in the above-mentioned report of the Secretary-General in the terms contained in document S/25647.

In the annex to the letter under reply there is a lame attempt to respond to our statement regarding the "ethnic cleansing" carried out by the Turkish armed forces in the wake of the 1974 invasion and the occupation of more than a third of the territory of the Republic of Cyprus. Sadly, the facts are indisputable on this very tragic aspect of the Cyprus problem. As my delegation stated in plenary meeting of the General Assembly on the situation in Bosnia and Herzegovina on 24 August 1992²² "the unfortunate and indeed tragic fact is that the odious and abhorrent policy of 'ethnic cleansing' is not a new phenomenon, nor did it originate in Bosnia. We in Cyprus have had a bitter experience in this regard. We have witnessed equally grave violations of international humanitarian law as attested to by the European Commission of Human Rights" and quoted from a main editorial from the respected *Financial Times* newspaper, in its issue of 16 July 1992:

"A State recognized by most other States and admitted to numerous international bodies is being dismembered. Frontiers are being redrawn by war. Large numbers of people are being forcibly driven from their homes, with widespread killing. Such actions would be intolerable at

any time or place, but in many times and places have been tolerated. A particularly clear precedent was set in Cyprus in 1974. There, too, a neighbouring State, Turkey, intervened to protect a minority and used military force to secure an area for that minority's exclusive use, expelling from it all members of the majority community. There, too, the international community failed to take any effective action or reverse the process".

The same theme echoes through much more recent serious writings as by Jonathan Eyal in *The Guardian* on 12 April 1993 ("Ethnic cleansing duly followed in the aftermath of the Turkish invasion in 1974 ...") and by John Torode in *The Independent* on 2 April 1993 ("The dilemma is not new. In the spring of 1975, I stood at the United Nations checkpoint on the green line dividing Nicosia, the capital of Cyprus, awaiting the arrival of the final few hundred among 140,000 Greek Cypriot refugees. They had been 'ethnically cleansed' from towns and villages in the north in the months since mainland Turkey had seized one third of the island, ostensibly to provide a safe haven for the Turkish Cypriot minority"). This is not rhetoric. These are the facts as seen by serious independent observers, and they were of a nature that was sufficiently grave to justify the exercise of international criminal jurisdiction. Unfortunately a policy of double standards is nothing unusual for Turkey.

Much more can be said on this and other issues raised in the letter under reply but the Cyprus problem has often been debated in the United Nations. The issues are known and the relevant applicable and binding resolutions are clear.

However, as we have often said, my Government's firm policy has been and continues to be to cooperate fully and with good will with the Secretary-General and the Security Council in sincerely seeking a just and lasting solution to the tragic problem my country has been confronted by for too long. It is our hope that when the talks resume later this month Turkey will find it also to its benefit to play a constructive role. A just and viable solution, in accordance with the Charter principles and the United Nations resolutions, with a functional constitution and safeguards for the application of the universal norms of human rights, would be to the benefit of all the people of Cyprus and also to the benefit of all other States concerned, including Turkey, and for peace in our volatile region. It would also mark a well-deserved success for the United Nations after many years of persistent efforts.

I should be grateful if you would have the text of the present letter circulated as a document of the General Assembly and of the Security Council.

(Signed) A. J. JACOVIDES
Permanent Representative of
the Republic of Cyprus
to the United Nations

DOCUMENT S/25741*

Letter dated 7 May 1993 from the representative of Bosnia and Herzegovina to the Secretary-General

[Original: English]
[7 May 1993]

I have the honour to submit to you the attached letter, dated 6 May 1993, from my President to you.

I should be grateful if you would have the text of the letters circulated as a document of the General Assembly and of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations

LETTER DATED 6 MAY 1993 FROM THE PRESIDENT OF THE PRESIDENCY OF BOSNIA AND HERZEGOVINA TO THE SECRETARY-GENERAL

I have been trying unsuccessfully for several days to get the world's support to save the people of Žepa from the extermination. Your military observers were prevented from entering Žepa yesterday. The town was attacked from all sides and the slaughter of the civilian population is going on. At this moment, only an urgent action of the United Nations can prevent total catastrophe.

We expect you to do all you can in this regard.

(Signed) Alija IZETBEGOVIĆ
President of the Presidency
of the Republic of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25742**

Letter dated 7 May 1993 from the representative of Argentina to the Secretary-General

[Original: Spanish]
[7 May 1993]

I have the honour to transmit to you herewith the text of the statement issued by the Government of the Argentine Republic on 7 May 1993 concerning the unilateral act whereby the United Kingdom of Great Britain and Northern Ireland seeks to extend its maritime jurisdiction in the waters adjacent to the South Georgia and South Sandwich Islands.

I should be grateful if you would have the present letter and the statement circulated as a document of the General Assembly and of the Security Council, and brought to the

*Circulated under the double symbol A/47/943-S/25741.

**Circulated under the double symbol A/48/162-S/25742.

attention of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

(Signed) Raúl A. RICARDES
*Chargé d'affaires a.i. of the Permanent Mission
to Argentina to the United Nations*

TEXT OF THE STATEMENT

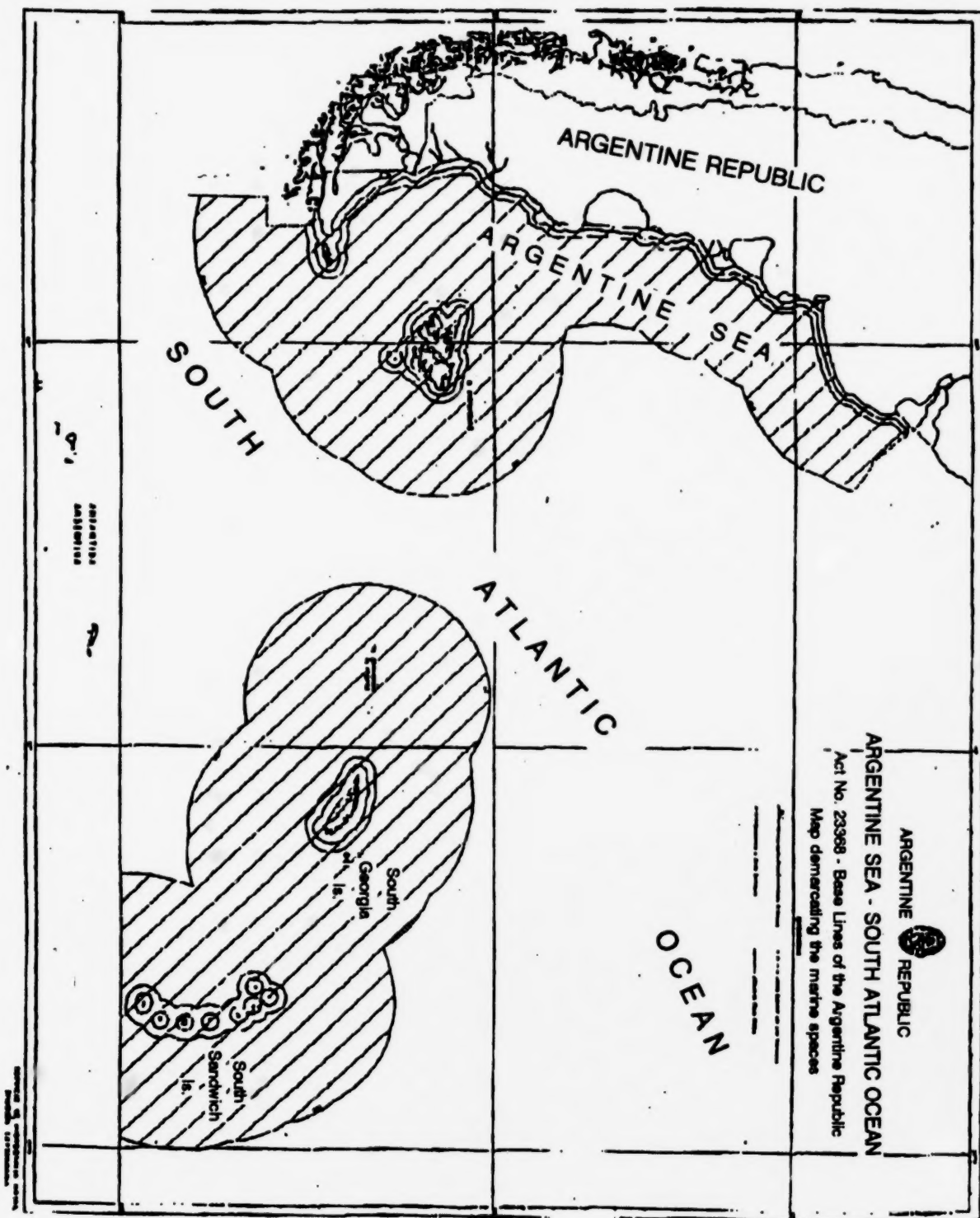
Today, the Government of the United Kingdom adopted a measure extending its alleged jurisdiction in respect of maritime spaces surrounding the South Georgia and South Sandwich Islands.

The Argentine Government strongly rejects this measure, reaffirms the legitimate rights of sovereignty of the Argentine Republic over the South Georgia and South Sandwich Islands and recalls that these territories form part of the dispute concerning sovereignty which the United Nations recognizes and is keeping under consideration.

In this context, an official note of rejection and protest has been delivered to the Embassy of the United Kingdom at Buenos Aires, and the Embassy of the Argentine Republic in London has been instructed to take the same steps *vis-à-vis* the British Government. In addition, the text of this statement will be transmitted to the Secretary-General of the United Nations and to the Secretary-General of the Organization of American States with a request that it be circulated as an official document of those organizations.

It should be recalled that more than 20 years have elapsed since the Argentine Republic extended its jurisdiction and sovereignty over the maritime spaces adjacent to Argentine territory, including these islands, in accordance with international law. Act No. 17,094 of 29 December 1966 provided for the extension of these rights to 200 nautical miles and for sovereignty over the continental shelf.

Subsequently, the scope of the jurisdiction and sovereignty of Argentina over these spaces, including the South Georgia and South Sandwich Islands, was specified in Act No. 23,968 on maritime spaces, promulgated on 10 September 1991. The scope of that legislation may be seen from the attached map.



**Letter dated 7 May 1993 from the representative of
Bulgaria to the President of the Security Council**

*[Original: English]
[7 May 1993]*

Upon instructions from my Government, I have the honour to transmit herewith the memorandum dated 6 May 1993 from the Government of the Republic of Bulgaria regarding the implementation of Security Council resolution 820 (1993).

I would be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

*(Signed) Slavi PASHOVSKI
Permanent Representative
of Bulgaria to the United Nations*

ANNEX

**Memorandum dated 6 May 1993 from the Government of the
Republic of Bulgaria regarding the implementation of Security
Council resolution 820 (1993)**

On 26 April 1993, the provisions of Security Council resolution 820 (1993) regarding the new trade and economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) came into effect. The Government of the Republic of Bulgaria has already declared its readiness to abide in good faith by its obligations under the Charter of the United Nations and to implement the sanctions imposed by Council resolution 820 (1993).

In its Memorandum regarding the losses, damages and economic difficulties sustained by the Republic of Bulgaria as a result of the implementation of the sanctions imposed by Security Council resolutions 757 (1992) and 787 (1992), which was submitted to the Sanctions Committee in December 1992, the Government of the Republic of Bulgaria supplied preliminary information about the negative effect of the sanctions on the social and economic development of the country during the first seven months of their enforcement. Availing itself of its right provided for in Article 50 of the Charter, the Bulgarian Government requested that the Council consider the issue of overcoming the specific economic problems of the country.

As a result of the implementation of Security Council resolutions 757 (1992) and 787 (1992), the economy of the Republic of Bulgaria suffered direct losses amounting to US\$ 1.8 billion for the period July 1992-April 1993 (cf. appendix I).

The entering into force of the new trade and economic sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) imposed by Security Council resolution 820 (1993) brought about a sharp rise in the direct losses, thus inflicting an extremely heavy blow on the national economy. According to initial estimates, the average monthly direct losses in the industrial sector, foreign trade, international transport and communications will amount to US\$ 234.7 million. The total amount of the losses for the period May to December 1993 is expected to reach US\$ 1,877.6 million (cf. appendix II).

The above figures do not include indirect damages and losses of profit, nor losses sustained by the private sector. The sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro)

practically cut off the Republic of Bulgaria from the European markets which are of vital importance to the advance of the ongoing complex process of economic reforms (over 60 per cent of the Bulgarian exports to the European markets is affected through the zone affected by the sanctions regime). The disruption of traditional transportation links and the necessity to use detour routes with heavy traffic raise the cost of Bulgarian exports to Central and Western Europe. The great share of perishable goods in these exports has an additional adverse effect on their realization on the above markets. The rise in the cost of imported goods from Central and Western Europe, on its part, will inevitably speed up the process of inflation and will aggravate the financial situation of the country. The difficulties in transport and communications will eventually have an extremely negative effect on the attracting of foreign investment to Bulgaria, as well.

Taking into account also the considerable losses incurred by the Bulgarian economy as a result of the sanctions against Iraq and the Libyan Arab Jamahiriya, as well as the size of the existing foreign debt of the country, the cumulative effect of the strict implementation of the respective Security Council resolutions will have grave consequences for the social and economic development of Bulgaria.

Besides, it is necessary to underscore that the sanctions have an especially adverse effect on the Bulgarian minority in eastern Serbia, which lives in the least developed part of this country. This population expects urgent humanitarian aid from the Republic of Bulgaria.

In view of the above, the Government of the Republic of Bulgaria calls upon the Security Council, its permanent members, the European Community, the European Free Trade Association, the Conference on Security and Cooperation in Europe and the international financial institutions to pay particular attention to the specific and aggravating economic problems with which the Republic of Bulgaria is confronted in the implementation of the sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

The Government of the Republic of Bulgaria believes that the Working Group set up in the framework of the Sanctions Committee should have as a priority the elaboration of an effective mechanism for the application of Article 50 of the Charter of the United Nations. This mechanism could, in particular, include the following groups of measures:

- Determining the criteria for the presence of "special economic problems" with which a given country observing the sanctions is confronted pursuant to Article 50 of the Charter;
- Sending fact-finding missions of the Security Council to make independent expert assessments of the economic losses incurred by the countries, which have invoked Article 50 of the Charter;
- Proposing concrete forms of compensation for the losses sustained, in particular through the establishment of a special compensation fund of the United Nations or, on the recommendation of the Security Council, by the competent international financial organizations.

In the case of Bulgaria, these could include more specifically measures to alleviate the financial situation of the country and financing of infrastructure projects for urgently overcoming the serious transport and communications problems (cf. appendix III).

It seems pertinent to point out that a number of provisions in Security Council resolution 820 (1993) will complicate the strict

implementation of the resolution by the States Members of the United Nations. In this connection the Government of the Republic of Bulgaria calls upon the Sanctions Committee to provide an interpretation of and additional information regarding the following points:

1. Determining the criteria underlying the exceptions to the prohibition regarding transshipments through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) pursuant to paragraph 22 of resolution 820 (1993).

2. For the implementation of paragraph 12 of resolution 820 (1993) it is necessary to determine the exact borders of the areas controlled by Serb forces, for example, by listing the municipalities or towns located in these areas.

3. For the purposes of implementation of paragraphs 24 and 25 of the resolution, it is necessary that the Sanctions Committee issue a list of the vessels, freight vehicles, rolling stock and aircraft in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro).

Since under the provisions of Security Council resolution 820 (1993) all transshipments, both by land and on the Danube, through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) are carried out only with special authorization by the United Nations Sanctions Committee, it is our view that under the present circumstances the Security Council and the Sanctions Committee, respectively, should undertake the necessary steps to improve considerably the effectiveness of the work of the Committee in issuing these authorizations.

APPENDIX I

Summarized information about the approximate average monthly losses which the Republic of Bulgaria has suffered as a result of the implementation of Security Council resolution 787 (1992) during the period July 1992 to April 1993 in some basic branches of the economy

United States dollars

1. International transport	6.8 million
2. International communications	1.0 million
3. Foreign trade	80.0 million
4. Industry	<u>93.0 million</u>
TOTAL PER MONTH	<u>180.8 million</u>
FOR 10 MONTHS	1.8 billion

APPENDIX II

Summarized information about the approximate average monthly losses which the Republic of Bulgaria will suffer as a result of the implementation of Security Council resolution 820 (1993) during the period May 1992 to December 1993 in some basic branches of the economy

Millions of United States dollars

1. International transport	12.5
2. International communications	1.5
3. Foreign trade	100.0
4. Industry	<u>120.7</u>
TOTAL (for the above branches)	<u>234.7</u>

EXPECTED LOSSES FOR THE PERIOD
MAY-DECEMBER 1993

1 877.6

APPENDIX III

List of key infrastructural investment projects aimed at easing the heavy international road and railway traffic from Western Europe via Bulgaria to Greece, Turkey and the Middle East countries

1. Road and railway bridge on the Danube at Vidin (Bulgaria)/Kalafat (Romania) - estimated cost: US\$ 100 million;

2. Two-way high-speed railway link Sofia-Vidin (Lom) - estimated cost: US\$ 1,175 million;

3. Reconstruction, doubling and electrification of the railway link Sofia-Kulata (checkpoint Promahon, Greece) - estimated cost: US\$ 1,260 million;

4. Highway Vidin-Sofia with tunnel at the Petrokhan Balkan pass and reconstruction of the motorway Sofia-Kulata - total estimated cost: US\$ 300 million;

5. Highway on the destination Istanbul-Bourgas (Bulgaria)-Varna (Bulgaria)-East Romania-West Ukraine-Poland (the Baltic Republics) with a Bulgarian section evaluated at US\$ 300-500 million;

6. Railway link Gyueshevo (Bulgaria)-Kriva Palanka (Macedonia) as a part of the East-West transport corridor Italy-Slovenia-Albania-Macedonia-Bulgaria - estimated cost: US\$ 100 million.

DOCUMENT S/25744

Note verbale dated 28 April 1993 from the representative of Panama to the Secretary-General

[Original: Spanish]
[10 May 1993]

The Permanent Mission of Panama to the United Nations presents its greetings to the Secretary-General of the United Nations and has the honour to inform him of the measures adopted by the Republic of Panama in order to give effect to Security Council resolution 757 (1992).

In this connection, we inform him that, on 12 December 1992, the Panamanian Government issued Executive Order No. 285, which gives effect to Security Council resolutions 713 (1991) and 757 (1992). This Order has been transmitted to the competent Panamanian authorities for the implementation of its provisions.

We also state that, since October 1992, the Republic of Panama has had no diplomatic or consular presence in the former Federal Republic of Yugoslavia or in the States of which it was composed.

We enclose, for whatever purposes the Secretary-General may deem appropriate, a photocopy of the Order in question as it was promulgated in the *Official Gazette* of Panama.

*The document is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

DOCUMENT S/25747

Letter dated 10 May 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

*[Original: English]
[10 May 1993]*

I have the honour to draw the attention of the Security Council to the systematic abuse of Safeguards Agreement between the Democratic People's Republic of Korea (DPRK) and the International Atomic Energy Agency (IAEA) by some officials of the secretariat of IAEA.

Some officials of the secretariat of IAEA have demanded the inspections of the military sites of the DPRK on the basis of the fabricated "satellite intelligence information" provided by the United States, in violation of due observance of the sovereign rights of States, which is stipulated in article 3, paragraph D, of the statute of the IAEA.

They systematically handed over the secret information of the inspections to the United States and made public of the results of the inspection, in contravention of the principles of neutrality and impartiality and non-disclosure of secret in the performance of their duties, which is defined in article 7, paragraph F, of the statute of IAEA.

The United States, in violation of its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons, has imposed a nuclear threat against DPRK, systematically interfered in IAEA's inspection and manipulated some officials of the secretariat of IAEA into forcing "special inspection" against DPRK.

Upon instructions from my Government, I have the honour to request the Security Council to consider the issue on the abuse of Safeguards Agreement by IAEA at a meeting of the Security Council, if it is convened to consider the issues of implementation of the Safeguards Agreement between DPRK and IAEA.

It shall be appreciated if this letter is circulated as a document of the Security Council.

*(Signed) PAK Gil Yon
Permanent Representative of the Democratic People's
Republic of Korea to the United Nations*

DOCUMENT S/25748

Letter dated 10 May 1993 from the representative of Croatia to the President of the Security Council

*[Original: English]
[10 May 1993]*

The Croatian Government is extremely disturbed by the recent news about the fighting around the town of Mostar. The Republic of Croatia firmly supports the Vance-Owen peace

plan as well as all attempts to restore the peace process on the territory of Bosnia and Herzegovina. Furthermore it denounces renewed hostilities between members of the Croatian Defense Council (HVO) forces and the Army of Bosnia and Herzegovina and is calling for an immediate cease-fire. These hostilities, regardless of why and how they have been provoked, are seriously deteriorating the chances for a successful implementation of the peace plan.

The Republic of Croatia is aware that tragic clashes between Croatian and Muslim forces are overshadowing the fact that the Serbian aggression against the territory of Bosnia and Herzegovina still remains unchallenged and continues to pose the biggest threat to the Muslim and Croatian people living in that republic. These outbreaks of violence continue to endanger the lives and property of the civilian population and once again frustrate the efforts of the international community to force the Serbian side to accept and implement the peace plan.

We believe that both sides should be aware of the consequences of their actions and share responsibility for the hostilities. The offensive by Muslim forces on the Croatian inhabited towns of Jablanica and Konjic, did not draw enough attention from the Security Council or the international press. Fikret Abdic, a member of the Presidency of the Republic of Bosnia and Herzegovina who gained the biggest support from Muslim voters in Bosnia and Herzegovina, said in his public address on 10 May 1993, that "all those Muslims who object that the Vance-Owen plan was made at the expense of the Muslim people and who want to redraw the plan by force, work directly against the Muslim people". Mr. Abdic also stressed that "the Vance-Owen plan for the resolution of crisis in Bosnia and Herzegovina has no alternative".

While expressing our utmost concern for the precarious situation in Bosnia and Herzegovina, I have the honour to inform you that the Croatian Government welcomes the cease-fire between Croatian and Muslim forces that has been established on 10 May 1993 at 1800 hours local time on the orders given by the President of the Republic of Bosnia and Herzegovina, Alija Izetbegović, and the leader of the Bosnian Croats, Mate Boban.

My Government particularly underlines and welcomes the exchange of letters between Mr. Izetbegovic and Mr. Boban, through which they have agreed to start implementing the agreement on the functioning of the local authorities on a proportional basis and in accordance with the Vance-Owen peace plan and the joint statement of the two sides made at Zagreb on 25 April 1993. My Government believes that the immediate implementation of these elements of the Vance-Owen plan between the Croat and Muslim people in their respective provinces is the way to overcome these tragic misunderstandings in the future.

As we have seen in the case of recent developments at Mostar and other areas of Bosnia and Herzegovina, any hesitation or delay to implement the Vance-Owen plan is making the peace process even more complicated. My Government therefore believes that the Security Council

should immediately endorse the Vance-Owen peace plan and prepare measures for the enforcement of the plan.

I request your kind assistance in distributing this letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

DOCUMENT S/25749

Letter dated 10 May 1993 from the representative of Croatia to the Secretary-General

[Original: English]
[11 May 1993]

I have the honour to submit, enclosed herewith, a copy of the letter by the President of the Republic of Croatia, Mr. Franjo Tudjman, addressed to the President of the Presidency of the Republic of Bosnia and Herzegovina, Mr. Alija Izetbegovic, and to the President of the Croatian Community of Herzeg-Bosna, Mr. Mate Boban.

I should be grateful if you would provide for the circulation of the letters as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

TEXT OF THE LETTER

Alarmed and deeply concerned about the renewed widening of conflicts between Croats and Muslims in certain parts of Bosnia and Herzegovina, I wish to appeal to you with the following message:

After thorough and open talks on the night of 24/25 April 1993 at Zagreb you signed the Joint Statement on the removal of any misunderstandings between Croats and Muslims in Bosnia-Herzegovina and the formation of a joint command of the Army of Bosnia and Herzegovina and HVO (Croatian Defence Council), a document co-signed by your subordinate Generals Sefer Halilović and Milivoj Petković.

This agreement was also co-signed by myself as a witness in presence of the Co-Chairman of the International Conference on the Former Yugoslavia, Lord David Owen.

These conflicts did indeed cease in the days following the signing of the statement, but then they again worsened in alarming proportions, and if they continue, they may provoke tragic consequences for both peoples and play into the hands of no one other than the Serbian aggressor.

Since then Croatia has already taken some steps in an attempt to prevent further conflicts:

1. The Croatian Parliament assigned to Bosnia and Herzegovina a multi-party parliamentary delegation, which has as yet not been enabled to visit the crisis areas;

2. During my recent visit to Turkey we reached an agreement to send to Bosnia and Herzegovina a joint Turkish-Croatian governmental delegation which will embark in the next days on a mission of goodwill to calm the conflicts and restore mutual trust;

3. Yesterday, 9 May 1993, I agreed with Mr. Šefko Omerbašić, President of the Meshihat of the Islamic Community of Croatia and Slovenia, that he should join the group of Croatian representatives and go to Bosnia and Herzegovina, also with the task to act in the interest of the establishment of peace and cooperation between Croats and Muslims.

I also wish to remind you of the cooperation agreements between Croatia and Bosnia and Herzegovina signed at Zagreb on 21 July 1992 and in New York on 21 September 1992 in which we agreed on our viewpoints in relation to the struggle against the Serbian aggressor assisted by the former Yugoslav Army.

I strongly condemn the armed conflicts between Croats and Muslims in Bosnia and Herzegovina, irrespective of which party has caused them.

I call upon you to do your utmost in order to put an end to these conflicts, to ensure cooperation between Muslim and Croatian forces, i.e., between the Army of Bosnia and Herzegovina and HVO in their joint struggle against the Serbian aggressor and the creation of preconditions for the peace action by the international community to be feasible and successful.

In particular I appeal to all Muslims offered protection and asylum in Croatia during this aggression to influence their compatriots to refrain from any conflicts with Croats and to ensure their mutual cooperation. I also call upon all Croats in Bosnia and Herzegovina not to allow themselves to be fooled by provocations and to do their best to avoid this highly detrimental conflict.

Once again I appeal to you immediately to order all your commanders and units to end all conflicts without any delay and to start cooperation in the spirit of the agreements and statements already signed.

President
(Signed) Franjo TUDJMAN

DOCUMENT S/25750

Letter dated 13 May 1993 from the representative of Kuwait to the Secretary-General

[Original: English]
[13 May 1993]

I should like to refer to our letter of 10 December 1992 concerning the implementation of Security Council resolution

778 (1992), and to request that it be circulated as a document of the Council.

Please accept the assurances of my highest consideration.

*(Signed) Mohammad A. ABULHASAN
Permanent Representative of Kuwait
to the United Nations*

**LETTER DATED 10 DECEMBER 1992 FROM THE
PERMANENT REPRESENTATIVE OF KUWAIT TO
THE UNITED NATIONS ADDRESSED TO THE
SECRETARY-GENERAL**

I should like to refer to your note of 14 October 1992 concerning the implementation of Security Council resolution 778 (1992). In this regard, and pursuant to paragraphs 3 and 13 thereof, Kuwait has decided to make a voluntary contribution of \$20 million to the escrow account, for which a cheque is hereby enclosed. I should like to underline that Kuwait has indicated its preference that 30 per cent of this contribution be earmarked to the Compensation Fund, and that in allocating the remainder of the contribution, sufficient funds be made available to the following activities as hereby prioritized: costs of the Boundary Commission, costs of the return of Kuwaiti property seized by Iraq, costs of humanitarian activities in Iraq, and the cost of tasks authorized by section C of Council resolution 687 (1991).

Furthermore, Kuwait is of the understanding that in making this contribution, paragraph 9 of Security Council resolution 778 (1992) shall be applicable.

*(Signed) Mohammad A. ABULHASAN
Permanent Representative of Kuwait
to the United Nations*

DOCUMENT S/25751

**Letter dated 10 May 1993 from the representative of
Azerbaijan to the President of the Security Council**

*[Original: English]
[11 May 1993]*

I have the honour to transmit herewith the text of a letter dated 10 May 1993, to Mr. Yuliy M. Vorontsov, President of the Security Council, addressed to him by Mr. Tofik Gassymov, Minister for Foreign Affairs of Azerbaijan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

**LETTER DATED 10 MAY 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF AZERBAIJAN TO THE
PRESIDENT OF THE SECURITY COUNCIL**

[Original: Russian]

Security Council resolution 822 (1993), whose adoption was welcomed by the Azerbaijani Republic, should, in our

opinion, make a substantial contribution to advancing the process of the peaceful settlement of the Armenian-Azerbaijani conflict.

As you are aware, this process has been seriously impeded and even sabotaged by the invasion by Armenian armed forces and the occupation of Azerbaijani territories. It is precisely for this reason that we attach extreme importance to the resolution, which demands the withdrawal of occupying forces from Azerbaijani territories.

The situation which has arisen after the adoption of the resolution, however, with the Armenian side refusing to comply with the requirements of the Security Council and attempting to set in motion protracted negotiations around a decision which has already been adopted, renders essential the urgent adoption of appropriate measures by the Council.

Highly appreciating the decision by the Council to remain actively seized of the question of the Armenian-Azerbaijani conflict, I have the honour to ask you to accelerate the process of dispatching a United Nations mission to assess the situation in the region and to observe the withdrawal of Armenian forces from the occupied Azerbaijani districts.

I believe that an evaluation by independent experts, with specialized professional experience, of the situation not only in the Kelbadjar and Lachin districts of Azerbaijan, but also in other Azerbaijani districts on the Armenian border which have been attacked or occupied by Armenian armed forces, will ensure a more comprehensive treatment in the report of the Secretary-General to the Security Council of the real state of affairs in the region and the nature of relations between Armenia and Azerbaijan.

In this connection, I ask you to pay particular attention to the situation in the following districts and settlements of Azerbaijan.

1. Districts and settlements of the Azerbaijani Republic occupied as a result of the invasion of the territory of Azerbaijan, mounted from the territory of Armenia by armed forces of the Republic of Armenia

In the Zangelan district in the south-west of Azerbaijan (on the border with the Republic of Armenia) the following settlements have been occupied: Gazanchy, Seidlyar, Kundgyshlak, Agkend, Pirveils, Derely, Djanbar, Yukhary Kyoyaly.

In the Kazakh district in the south-west of Azerbaijan (on the border with the Republic of Armenia) the following settlements have been occupied: Barkhudarly, Ashagi Askipara, Sofulu, Kheirimly, Yukhary Askipara, Baganis Airym.

in the Nakhichevan region of Azerbaijan (surrounded by the territory of Armenia) the village of Kyarki has been occupied.

In all, 15 settlements have been occupied in the said districts, which border only on the Republic of Armenia.

II. Districts and settlements of the Azerbaijani Republic subjected to bombardment and gunfire from the territory of the Republic of Armenia

In the following settlements, extensive damage has been caused by shelling and the population has been partially or completely evacuated.

In the Zangelan district: Akbiz, Ashagi Emizly, Orta Emizly, Yukhary Emizly, Karababa, Kuyuderekheshteb, Otuzinji, Sheiflyu, Shaefly, Yusiflar, Karagel, Kechikly, Shotariz, Beshdaly, Malatneshin, Kollu Gyshlag, Sobu, Meshadi Ismailly, Razdere, Veshnaly and the town of Zangelan.

In the Kazakh district: Kemerly Farakhly, Kushchu Airym, Mazanly, Abbas Beily, Allout, Kyzylgajyly, Djafarly and Bala Djafarly.

In the Akstafa district: Tatly and Kegnakyshtak.

In the Tauz district: Gajally, Myulkyulyu, Alibeily, Agdam, Chokhanabi, Asrikjirdakhan, Agbulak, Kiran, Munjuglu and Kosha.

In the Kedabek district: Karalar, Novosaratovka, Karabeller, Gajilar, Eiridere, Geyaly, Kollu, Shinykh, Karabaglar, Zallanly, Djujanly, Mutedere and Novoivanovka.

In the Nakhichevan region: Bicheneg, Kyukyu, Yukhary Buzgov, Ashagi Buzgov, Avush, Yukhary Aiji, Djagazur, Danzik, Gyunnyut, Sadarak and Numunavi.

For its part, the Azerbaijani Government is prepared to give every assistance in ensuring access by the plenipotentiary representatives of the Secretary-General to the above-mentioned districts, taking into due consideration that they are currently occupied by Armenian armed forces or being shelled by Armenian armed formations.

*(Signed) Tofik GASSYMOV
Minister for Foreign Affairs
of the Azerbaijani Republic*

DOCUMENT S/25752

Letter dated 10 May 1993 from the representative of Azerbaijan to the President of the Security Council

*[Original: Russian]
[11 May 1993]*

I have the honour to transmit to you the text of a statement dated 10 May 1993 from the Ministry of Foreign Affairs of Azerbaijan.

I should be grateful if you would have this letter circulated as a Security Council document.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

TEXT OF THE STATEMENT

The Armenian armed forces are continuing their military operations in the territory of the Azerbaijani Republic.

In the past few days, beginning on 1 May 1993, population centres in the Kazakh, Tauz, Kedabek and Zangelan districts of Azerbaijan and the Sadarak district of Nakhichevan have been bombed and shelled from the territory of the Republic of Armenia. This has caused civilian casualties and considerable destruction.

While expanding its military presence and fortifying its positions in the occupied Azerbaijani territories, the aggressor is continuing to move into the heart of Azerbaijan, broadening the zone of military operations.

Half a dozen villages in the Kazakh district of Azerbaijan have now been captured by the Armenian armed forces, and another 10 are under the threat of occupation. The number of refugees has reached 7,000.

The Armenian forces are continuing their offensives in the Agderi, Geranboy and Fizuli districts of Azerbaijan.

The further escalation of aggression against Azerbaijan is accompanied by demagogic declarations by the Republic of Armenia regarding its non-involvement in the conflict in the territory of the Azerbaijani Republic. Yet such assertions are refuted by the very actions of the Republic of Armenia - beginning with the decree issued by the Armenian Parliament on 1 December 1989 concerning the annexation of Nagorny-Karabakh, and ending with the direct military intrusion by the Armenian armed forces into the territory of Azerbaijan, and the occupation of Lachin, Kelbadjar and other Azerbaijani districts, accounting for over 10 per cent of Azerbaijani territory. Armenia cannot fool the international community.

The Azerbaijani position derives from the generally accepted norms of inter-State relations, on the basis of which the Azerbaijani Republic demands respect from the Republic of Armenia for its sovereignty and territorial integrity.

Committed to the principles and norms of international law, the Azerbaijani Republic has made and continues to make every effort to achieve a peaceful settlement of the conflict, enlisting international mediators within the framework of the United Nations and the Conference on Security and Cooperation in Europe. The Republic of Armenia, however, through its illegal actions, not only is undermining such efforts, but also is casting doubt on the very prospects of a peaceful settlement, thus cynically defying the whole world community.

Even as it continues its military operations, Armenia is loudly calling for a cease-fire while at the same time maintaining its military presence in Azerbaijan and doing everything to drag out the negotiating process, a major element of which is the working out of the mechanisms and regime of a cease-fire. Little else could be expected of the aggressor.

Having sabotaged the Minsk process of the Conference on Security and Cooperation in Europe by occupying Azerbaijani territory, the Armenian side is flagrantly violating the norms of international law. Above all, it is violating the Charter of the United Nations, for it is yet to comply with the Security Council's request to withdraw the occupying forces from Kelbadjar and other occupied districts of Azerbaijan. Such behaviour by the Republic of Armenia aggravates the adverse consequences of the evolving situation.

The Ministry of Foreign Affairs of the Azerbaijani Republic vigorously protests the actions of the Republic of Armenia, and appeals to the Security Council to take strong and decisive measures to restrain the aggressor and defend the sovereignty and territorial integrity of Azerbaijan.

DOCUMENT S/25753*

Letter dated 10 May 1993 from the representative of India to the Secretary-General

*[Original: English]
[11 May 1993]*

I have the honour to transmit herewith a copy of a statement issued on 7 May 1993 by the Ministry of External Affairs of India on Bosnia and Herzegovina.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

*(Signed) M. H. ANSARI
Permanent Representative of India
to the United Nations*

TEXT OF THE STATEMENT

The Government of India is deeply distressed at the negative reaction of the Bosnian Serb Assembly to the Vance-Owen peace plan, which had been endorsed by the United Nations and agreed to by the Bosnia Serb leader, Radovan Karadzic, at the recent conference on Bosnia and Herzegovina at Athens. The Government urges the Bosnia Serbs to give up their recalcitrant and obstreperous attitude towards the peace proposals and to bring an end to the sufferings caused to all communities by the ethnic and religious tensions generated by violent conflicts in different parts of former Yugoslavia. While urging all countries to exercise restraint and to avoid dangerous escalations, India objects to the grave provocations against the consensus of the international community by Bosnian Serbs. India stresses that the acceptance of the United Nations peace plan, which is the only basis presently available for a political solution to the present crisis, should be accepted by all concerned to ensure cessation of hostilities and forward movement towards establishing peace.

*Circulated under the double symbol A/47/945-S/25753.

DOCUMENT S/25754**

Letter dated 11 May 1993 from the representative of El Salvador to the Secretary-General

*[Original: Spanish]
[11 May 1993]*

On instructions from my Government, I have the honour to transmit to you herewith a copy of the note dated 16 April 1993 which the Minister for Foreign Affairs, Mr. José Manuel Pacas Castro, sent to the Ministers for Foreign Affairs of those countries with which El Salvador has diplomatic relations, relating to the adoption of the Amnesty Act and the reconciliation process in our country.

I should be very grateful if you would have this letter and the note circulated as a document of the General Assembly and of the Security Council.

*(Signed) Guillermo A. MELÉNDEZ
Chargé d'affaires of the Permanent Mission
of El Salvador to the United Nations*

TEXT OF THE NOTE

I have the honour to refer to a topic of vital importance for the people and Government of El Salvador in the context of the new situation in our country following the achievement of peace: national reconciliation.

As you know, the end of the armed conflict and the establishment of peace in El Salvador constitute undeniable achievements which have been widely commended at both the national and international levels.

While we have made substantial progress within the framework of the Peace Agreement, we are also aware that, at this new stage, our efforts and abilities must be focused on achieving genuine national reconciliation, which constitutes the basis for the consolidation of a firm and lasting peace in the country.

We fully understand and share the concerns which continue to exist in some countries, owing to the fact that the human rights of some of their citizens have been infringed as a result of their direct or indirect participation in the Salvadorian armed conflict, with the risks which that entailed.

Nevertheless, without wishing to enter into detailed consideration of such participation, we believe that the hatred, bitterness and confrontation which marked the years of the armed conflict must be fully eradicated, so as to give way to the indispensable solidarity and social harmony which should prevail at this unprecedented stage in the political history of El Salvador.

In keeping with these paramount objectives, the Legislative Assembly decided, by means of Decree No. 486 of 20 March

**Circulated under the double symbol A/47/946-S/25754.

1993, to adopt the "General Amnesty Act for the Consolidation of Peace", which grants the benefits of full, complete and unconditional amnesty to all persons who in any way participated in criminal acts committed before 1 January 1992, whether these involved political crimes, related common crimes or common crimes committed by at least 20 persons.

From that perspective, the spirit and letter of the Amnesty Act derive from its all-embracing character, which in practice reflects the absolute necessity of granting pardons without any exceptions, in order to create the conditions required for the genuine reconciliation of Salvadorian society.

At a time when the sentiments of the Salvadorian people are in favour of forgetting, once and for all, the 12 years of tragic armed conflict and, at the same time, enjoying the benefits of peace, we are fully convinced that we cannot tolerate recriminations of any kind. To do otherwise would be to maintain a permanent state of social confrontation which could have negative and incalculable consequences for peace and national reconciliation.

We therefore affirm that we cannot afford the risk of regressing to old patterns of confrontation which, fortunately, have now been superseded. At this critical historical juncture, El Salvador more than ever needs the understanding and support of the international community which, by its actions and attitudes, can contribute effectively to the establishment of the climate essential to the promotion of genuine national reconciliation.

Accordingly, we trust that your Government will appreciate the true dimensions and scope of the grounds which led the legislature to adopt the above-mentioned decision, as a demonstration of the firm will and the fervent desire for reconciliation on the part of the Salvadorian people.

(Signed) José Manuel PACAS CASTRO
Minister for Foreign Affairs

DOCUMENT S/25755

**Letter dated 11 May 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

[Original: English]
[11 May 1993]

I have the honour to submit to you the attached statement from my Minister for Foreign Affairs, Mr. Haris Silajdzic, on the issue of United Nations relief personnel in the Republic of Bosnia and Herzegovina.

May I ask for kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
*Permanent Representative of Bosnia
and Herzegovina to the United Nations*

ANNEX

TO REMOVE THE FINAL OBSTACLE TO THE LIFTING OF THE ARMS EMBARGO, THE BOSNIAN GOVERNMENT OFFICIALLY REQUESTS THE WITHDRAWAL OF UNITED NATIONS RELIEF PERSONNEL

Washington, D.C., 9 May - The Minister for Foreign Affairs of Bosnia and Herzegovina, Mr. Haris Silajdzic, today announced the formal request of his Government that United Nations relief personnel either depart his country or be reconfigured to ensure their military defensibility. On behalf of his Government, Silajdzic released the following statement:

"The presidency and Government of Bosnia and Herzegovina hereby officially requests that the United Nations withdraw, as expeditiously as possible, all United Nations personnel deployed on our territory for purposes of delivering humanitarian relief. We do so because concern over the safety of those personnel now constitutes a significant obstacle to the defense of this sovereign nation.

"While deeply grateful for the valour of the many individuals who have served under the auspices of the United Nations on our territory, we find that the United Nations presence on the ground has become an impediment to critical decisions by the international community now urgently needed if our democratic, multi-ethnic republic is to be permitted the means to defend itself.

"It is our intention today, in requesting the withdrawal of relief personnel, to remove that final obstacle to the lifting of the arms embargo.

"Despite our best efforts, it remains insufficiently understood by international public opinion that the war in Bosnia and Herzegovina is not a civil war, but a war of fascist aggression against a multi-ethnic democratic Republic. Our Government and our army remain multi-ethnic, and we remain committed to the goal of preserving the Bosnian Republic as a multi-ethnic democracy with full guarantees of all human rights for all citizens.

"President Clinton understands our commitment and our desperate plight, and we have been encouraged by his efforts to achieve a lifting of the arms embargo so unfairly imposed upon our nation in its hour of need. We believe that the maintenance of the embargo, in the face of a continuing onslaught by fascist Serb forces, is not an act of conscience but of arrogant indifference to the fate of hundreds of thousands of loyal Bosnian citizens, who plead only for the right to defend themselves.

"We regret that world opinion has been beguiled by the image of us as a helpless people. To be sure, we are besieged by a relentless aggressor. But our forces have fought with courage and skill against overwhelming odds created inadvertently by the misguided policies of the United Nations. Our forces and our people remain ready to fight on in defense of their liberty and their principles. Only if they are permitted the means to do so will we attain, within our nation and our region, the balance of power that is the prerequisite to a negotiated settlement that will bring lasting peace and stability.

"Should the United Nations in its wisdom choose to reconfigure United Nations forces on our territory so that they can adequately defend themselves and so that their safety does not dominate international concern, we will welcome that decision. In the meantime, as the fate of our nation hangs in the balance, we beseech the Security Council to cease an arms

embargo that has, in practice, constituted an international intervention against our legitimate rights as a Member of the United Nations. It is an intervention that not only undermines our own security but, by its unfairness and perverse result, compromises the principles and future of the United Nations itself."

DOCUMENT S/25758

Letter dated 10 May 1993 from the representative of Iraq to the Secretary-General

[Original: Arabic]
[12 May 1993]

On instructions from my Government, I have the honour to transmit herewith an information bulletin on the measures taken by Iraq during the month of April 1993 pursuant to Security Council resolution 687 (1991).

I should be grateful if you would have this letter and the information bulletin circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

TEXT OF THE INFORMATION BULLETIN

I. INSPECTION TEAMS

1. Chemical Destruction Group (UNSCOM 38)

The Chemical Destruction Group that has been in the country since 18 June 1992 continued its work at the Muthanna Establishment. The Group is supervising the destruction by the Iraqi side of chemical weapons and ammunition at this site.

2. Second Interim Monitoring Team (MT-1.B)

The Second Interim Monitoring Team has pursued its work under the leadership of Dennis Vincent since 27 March 1993. Its task has been focused on the temporary monitoring of Iraqi industrial establishments. During the month of April, the Team made daily visits to the Rashid plant and the three workshops belonging to it: Al-Amin, Al-Ma'mun and Al-Mu'tasim, as well as the Qa'qa' State Establishment. The Team also visited the Kindi State Establishment and the Ibn al-Haitham Research and Design Centre. The Team will continue its work until an unspecified date.

3. Chemical Inspection Team (UNSCOM 55)

The Team, led by the Russian national Igor Mitrokhin and including 14 chemical inspectors, arrived in Iraq on 9 April 1993. The Team visited the following nine sites: the pesticide site, the chlorine site, Muthanna, the Hurriyah Base ammunition depot, Tuz airbase, the State Phosphate Establishment at Akashat, the Hattin State Establishment

ammunition depots, the chemical unit at Balad and one of the military units at the Rashidiyah Camp. The Team left Iraq on 15 April 1993.

4. International Atomic Energy Agency (IAEA) Group of Experts on the Transport of Nuclear Fuel

The Group, led by Maurizio Zifferero and including 17 experts, arrived in Iraq on 19 April 1993. The Group visited the following sites:

Tuwaitha: The visit included the site of the 14th of July (14-Tammuz) reactor in order to view the fuel site in the reactor and consequently to ascertain the feasibility of transporting the fuel.

Jurf al-Naddaf: One of the nuclear combustion fuel tanks was calibrated, radiation measurements were taken, and technical discussions were held on the machinery for executing the work.

Habbaniyah airfield: The feasibility of landing a fuel transport aircraft was studied, as well as the potential and requirements of the airbase for receiving the aircraft.

During its visit, the Group held four meetings with the Iraqi side in which technical discussions were conducted on:

- the obligations of both sides;
- the timetable;
- the equipment, supplies and machinery required by both sides;
- accident insurance.

At the end of the visit a memorandum of understanding was signed by both sides on the obligations of each party regarding the provision of the technical and mechanical requirements for the transport of the fuel, which will take place at a later date. The leader of the Group, Mr. Maurizio Zifferero, indicated that his technical visit to discuss the transport of nuclear fuel out of Iraq had been a positive one, that the Iraqi side had been very cooperative in facilitating the work and that a memorandum of understanding on the obligations of both sides had been signed. The Group left Iraq on 24 April 1993.

5. Activities of the Special Commission's Helicopter Unit

During the month of April, the Helicopter Unit carried out the tasks entrusted to it with the cooperation of the Iraqi side. The Unit flew 28 missions for the transport of the inspection teams to and from the inspection sites. The Air Reconnaissance Team flew 9 missions for the reconnaissance and photographing of 23 sites.

6. Meeting of the Director of the Military Industrial Corporation with members of the UNSCOM 54 inspection team

A meeting was held on 2 April 1993 between the Director of the Military Industrial Corporation and members of the

UNSCOM Office, members of the UNSCOM 54 inspection team, Nikita Smidovich and Scott Ritter. At the meeting, many matters were discussed and replies were given to many questions raised during the meeting.

II. UNITED NATIONS IRAQ-KUWAIT OBSERVATION MISSION

Consultation and cooperation continued between the Iraqi side and the United Nations Iraq-Kuwait Observation Mission. At the request of General Dibuma, Chief Military Observer, the Iraqi side decided to move the following border posts to 1,000 metres back from the border:

1. Jarishan
2. Abu Musa
3. Al-Shahid Himam
4. Bahrat Khawshan
5. Hulaybah
6. Al-Ruji

III. RETURN OF PROPERTY

The hand-over of the Hawk missile system began at Safwan on 4 April. During the first week of the operation, 74 Hawk missiles with equipment were handed over. The hand-over will probably be completed in the first week of May. The second stage of the hand-over of heavy military equipment will begin directly after the hand-over of the Hawk missile system has been completed.

IV. MISSING PERSONS

Iraq has affirmed on all occasions that it has no so-called "Kuwaiti detainees". The latest piece of evidence in confirmation thereof is the decision of Iraq to hand over to the International Committee of the Red Cross mission at Baghdad the six Kuwaiti brothers who entered Iraqi territory illegally on 8 April 1993. This decision on the part of Iraq demonstrates its truthful and sincere intentions in dealing with such humanitarian cases.

DOCUMENT S/25761

Letter dated 11 May 1993 from the representative of Iraq to the Secretary-General

*[Original: Arabic]
[12 May 1993]*

On instructions from my Government, I have the honour to transmit herewith a letter dated 11 May 1993 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, addressed to you concerning the meetings of the Sanctions Committee held on 5 and 6 April 1993.

I should be grateful if you would have my letter and that of the Minister for Foreign Affairs of the Republic of Iraq circulated as a document of the Security Council.

*(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations*

LETTER DATED 11 MAY 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ TO THE SECRETARY-GENERAL

Further to my letters, the most recent being that dated 13 February 1993, I have the honour to draw your attention to the practices observed in the name of the Committee established by Security Council resolution 661 (1990), known as the Sanctions Committee, and the unjust and unjustifiable positions imposed on the Committee by the representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, Japan and France involving biased and unlawful interpretations of Security Council resolutions and demonstrating the extent of the arbitrariness and injustice that has befallen the Iraqi people as a result of its being deprived of its essential humanitarian needs.

The decisions of the Sanctions Committee at its most recent meetings, held on 5 and 6 April 1993, constitute another example of the injustice and prejudice afflicting the Iraqi people. In a swift review of the requests that the Committee rejected at these meetings, we find the following:

1. Objection by the United States to 33 requests;
2. Objection by the United Kingdom to 25 requests;
3. Objection by Japan to 10 requests;
4. Objection by France to 4 requests.

These unjust positions are dangerous precedents that sully the reputation of the United Nations because they are precedents that conflict with the norms of international law, the Charter of the United Nations and fundamental human rights. The unjustified objections that emanated from the Committee at its recent meetings, of which I cite some examples below, are clear evidence of the practices to which I have referred:

1. The Committee rejected a number of requests for the supply of textiles to Iraq, including thread for weaving children's clothes, on the pretext that these items are an input for industry. What these arbitrary-minded representatives wanted to say was that Iraq is prohibited from having a textile industry.
2. The Committee rejected a request from the company CIS Paris to supply Iraq with 1,200 kilograms of nylon cloth for filtering flour for the General Company for Grain Processing. The cloth in question is an end-product used in the filters attached to grain mills to rid the flour of adulterants, stones and other foreign matter so as to make it acceptable for baking

bread. On this basis, this commodity is a humanitarian staple inasmuch as it enters into the making of bread, the essential food need of all peoples, as the Sanctions Committee would presumably agree.

3. The Committee rejected a number of requests for supplying Iraq with glue to be used in the preparation of textbooks, of which the Ministry of Education alone requires 50 million a year, and notebooks, which are needed by pupils at all educational levels. In addition, children at the primary levels need this glue for handicraft lessons and technical education. Thus, the argument fabricated by some Committee members that it is an input for industry is not true.

4. The Committee refused to allow the supply to Iraq of 120 tons of rock wool felt, on the grounds that it was an input for industry, whereas rock wool is an end-product used in thermal insulation and having no relation to industry.

5. The Committee refused to allow the supply to Iraq of blank audio cassettes, because they are an input for industry, whereas everyone knows that blank audio cassettes are end-products having no relation to industry.

The above-mentioned items, as well as the other items, requests for which were rejected by the Committee at its most recent meetings, out of a total of more than 71 requests, are a humanitarian need for all peoples of the world, and it is unimaginable that the provisions of the Charter, in spirit or in letter, could prohibit the supply of such items to any country. Nor can we comprehend these objections except as premeditated political moves aimed at depriving the people of Iraq of the most elementary human requirements. Consequently, the work of the above-mentioned Committee has become remote even from the purposes for which it was established, and the continuation of its work according to the current method actually damages the reputation of the Organization and calls in question its credibility.

I request you to exercise your good offices and intervene to put a halt to these practices, which conflict with all humanitarian considerations. I request you to have this letter circulated as an official document of the Security Council.

*(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq*

DOCUMENT S/25762*

Letter dated 11 May 1993 from the representative of Panama to the Secretary-General

*[Original: Spanish]
[12 May 1993]*

I have the honour to attach herewith the text of a statement made on 6 May 1993 by the Ministry of Foreign Affairs of the Republic of Panama concerning the decision of the

Government of the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons.

I should be grateful if you would have the text of this letter and the statement circulated as a document of the General Assembly and of the Security Council.

*(Signed) Carlos AROSEMENA A.
Permanent Representative of Panama
to the United Nations*

TEXT OF THE STATEMENT

The Republic of Panama notes with growing concern the decision of the Democratic People's Republic of Korea not to fulfil its obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and to withdraw from that Treaty.

Disarmament in general and nuclear disarmament in particular are the cornerstones of Panama's international policy. This is demonstrated by the disbandment of its armed forces and its participation in the aforementioned Treaty and in the Treaty of Tlatelolco.

We consider that being a party to the Treaty on the Non-Proliferation of Nuclear Weapons and complying fully with its provisions would be in the best interests both of the Democratic People's Republic of Korea and of the international community. The Government of the Republic of Panama therefore urges the Democratic People's Republic of Korea to move towards general and complete disarmament, in keeping with the world-wide trend, and, as a member of the International Atomic Energy Agency [IAEA], to maintain its facilities under the IAEA safeguards system.

Panama supports the statement which the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America made as depositaries of the Treaty, calling on the Democratic People's Republic of Korea to reverse its decision.

DOCUMENT S/25763**

Note verbale dated 6 May 1993 from the mission of Uruguay to the Secretary-General

*[Original: Spanish]
[12 May 1993]*

The Permanent Mission of Uruguay to the United Nations presents its compliments to the Secretary-General and has the honour to refer to his note dated 12 April 1993 requesting views and proposals from Governments concerning assistance to third States affected economically by the application of sanctions under Chapter VII of the Charter of the United Nations.

* Circulated under the double symbol A/48/165-S/25762.

** Circulated under the double symbol A/47/947-S/25763.

The situation covered in Article 50 of the Charter has been addressed in several forums, including the General Assembly, its subsidiary organs and the Security Council.

While the practice followed with regard to Article 50 was very limited in the past, and only in connection with Southern Rhodesia were there requests for assistance under that provision, with the crisis in the Gulf, the question became very topical. The secondary effects of the application of sanctions on third countries not involved in the conflict led to the submission of 21 requests, including one from Uruguay. Despite the recommendations adopted and the appeals made, the responses were not commensurate with the requirements, and solutions are still awaited.

Subsequently, as a result of the application of sanctions pursuant to Security Council resolutions 713 (1991) of 25 September 1991, 757 (1992) of 30 May 1992 and 787 (1992) of 16 November 1992, further requests for assistance were submitted.

An analysis of the aforementioned events demonstrates the need to have a mechanism to ensure restoration of the rights of third countries that are affected.

Bearing in mind that under Article 25 of the Charter, the Members of the United Nations are bound by the decisions adopted by the Security Council, bearing in mind that Article 50 is not an isolated provision, but is within the framework of Chapter VII, which should be applied and interpreted as a whole, and bearing in mind the principle of mutual assistance embodied in the Charter, my delegation, together with a group of co-sponsors, submitted document A/AC.182/L.76/Rev.1 at the most recent session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. That initiative is part of the general proposal contained in document A/AC.182/L.73/Rev.1, which was submitted in 1992 to that Committee.

The document refers to the establishment of a permanent mechanism that would operate automatically; the costs would not be incurred by any State or group of States, but by the United Nations as a whole, and would even be incurred outside the Organization. Through the establishment of the fund by the General Assembly, both requests for assistance that had not yet been addressed and future requests would be taken into consideration.

Contributions to the fund would be of two types: compulsory and voluntary. The first type, however, would not entail the allocation of additional resources; in other words, no new contributions would be required from Member States. In this connection, resources from the restructuring of the Secretariat, existing reserves in the regular budget and other factors could be taken into account. The proposed mechanism also envisages the possibility of direct financial assistance through bilateral or multilateral lines of credit, as well as other types of support, the enumeration of which is not exhaustive.

The document maintains a balance with regard to the various competent organs. It recognizes the role of the General

Assembly in regard to budgetary matters, and the role of the Security Council in regard to the establishment of all the guidelines for considering requests for assistance - the key procedural factor in determining which cases are to be handled under the provision; at the same time, the administration of the fund is entrusted to the Secretary-General.

It is common knowledge that, to date, there is only one provision governing this question, Article 50 of the Charter, and it fails to establish any procedure for considering requests for assistance. The procedure, the way in which requests are to be handled and the criteria to be used would, under the proposed document, be the responsibility of the Security Council and its subsidiary organs. Upon the establishment of the fund by the General Assembly, the Security Council would be able to request the Secretary-General to assist the affected State.

It would be greatly appreciated if this note could be issued as a document of the General Assembly and of the Security Council.

DOCUMENT S/25766

Letter dated 12 May 1993 from the representative of Croatia to the Secretary-General

(Original: English)
[12 May 1993]

I have the honour to submit herewith a letter from the President of the Republic of Croatia, Mr. Franjo Tudjman, addressed to you.

I should be grateful if you would provide for the circulation of the letters as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

LETTER DATED 12 MAY 1993 FROM THE PRESIDENT OF THE REPUBLIC OF CROATIA TO THE SECRETARY-GENERAL

Almost 15 months have passed since the beginning of the United Nations Protection Force (UNPROFOR) peace-keeping operation on the territory of the Republic of Croatia. Unfortunately not many of the goals set by the Vance plan, inscribed in your reports and confirmed by the relevant Security Council resolutions, were achieved. This is why I must address you once again and ask for further action with a view to strengthening and redefining the UNPROFOR mandate.

I wish to take this opportunity to express our gratitude for the great effort being made by the United Nations and its Member States, the Secretariat and the Security Council, as well as the valiant performance of the United Nations

Protection Force and United Nations agencies. We deeply regret the loss of life of UNPROFOR soldiers and civilians in their noble task.

In my letter addressed to you on 19 March 1993 [S/25447], I stressed the overall Croatian position towards UNPROFOR and I urged the United Nations to take necessary steps for increasing UNPROFOR's efficiency and achieving all the major tasks of the Vance plan. With regard to the aforesaid, I would like to reaffirm the position of the Republic of Croatia and emphasize the following facts and new developments which we find vital to establishing a peaceful solution to the problems caused by the aggression against the Republic of Croatia, as well as the crisis in the entire area of the former Yugoslavia:

1. In the entire territory of the United Nations Protected Areas (UNPAs) "all paramilitary, irregular or volunteer units or personnel [should] either be withdrawn from the UNPAs, or if resident in them, be disbanded and demobilized" as soon as possible, as emphasized in the Vance plan [S/23280, *annex III, para. 15 (d)*]. Currently the situation in the UNPAs is not in conformity with these provisions. Serbian militias are heavily armed and are continuously shelling Croatian civilian targets, including the ancient coastal cities of Zadar, Sibenik and Dubrovnik. Serbian militant nationalists in the UNPAs are using their military might not only for attacking Croatian civilian and military targets, but also to terrorize moderate Serbs who refuse to follow their radical policy. The process of demilitarization will also have a great positive impact on the peace process in the neighbouring Republic of Bosnia and Herzegovina.

2. Croatia must be given the opportunity immediately to restore its governmental authority throughout the so-called "pink zones". I must emphasize the fact that these areas are not a part of the UNPAs and they are considered to be a temporary solution which Croatia had accepted on a voluntary basis. In your report S/24188 dated 26 June 1992, you stated that action should be taken "to ensure an internationally monitored, step-by-step, reintroduction of Croatian Government authority to an area currently controlled by Serb forces ..." Almost a year after the adoption of the resolution 762 (1992), which established the "pink zones", the Republic of Croatia is still waiting for UNPROFOR actively to help in achieving the aforementioned goal. Therefore I urge the enactment of necessary steps for the restoration of Croatian governmental authority in the "pink zones".

3. It is essential urgently to start the process of returning the refugees to their homes. This is not only a political issue of the utmost importance but also an economic one. The endless tide of refugees is imposing a heavy burden on the Croatian economy. The Republic of Croatia has already submitted numerous documents to the General Assembly and the Security Council concerning this matter. However, I would like to stress once again that, at this moment, Croatia is sheltering more than half a million refugees, of whom 250,000 are Muslims from the neighbouring Republic of Bosnia and Herzegovina.

In order finally to start the process of effectively achieving the aforementioned goals, allow me to point out the following necessary steps:

(a) Complete implementation of Security Council resolution 802 (1993) by means of firm measures aimed at expediting the negotiations conducted under the auspices of the International Conference on the Former Yugoslavia and as a first step in the process of demilitarization of all the UNPAs.

(b) Establishment of full UNPROFOR control of the international border between the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro), which is currently on the territory of UNPA East, as emphasized in Security Council resolution 769 (1992), thus strengthening the implementation of Council resolutions 757 (1992), 787 (1992) and particularly 820 (1993).

(c) Opening of the major transportation railway and road routes in the UNPAs, oil pipeline and power transmission lines, both as confidence-building measures and because of their logistical value for the forthcoming implementation of the Vance/Owen plan in the Republic of Bosnia and Herzegovina.

(d) Positioning international monitors on the border between the Republic of Croatia and the Republic of Bosnia and Herzegovina which is adjacent to the UNPAs, as inscribed in your report S/24353 (paras. 21 and 22) in order to prevent military activities against these two Republics and to ease the implementation of the Vance plan in Croatia and Vance/Owen plan in Bosnia and Herzegovina.

The Vance plan for Croatia and the Vance/Owen plan for Bosnia and Herzegovina are the pillars of this process. The success of the peace operation in the Republic of Croatia is directly linked with the prospects for lasting peace in the Republic of Bosnia and Herzegovina and vice versa. While I have a full understanding of the interrelation of the existing peace process in these two Republics, the peace process in Croatia should not be postponed by the developments in Bosnia and Herzegovina, but rather serve as a model for successful peace-keeping and peace enforcing in the Republic of Bosnia and Herzegovina. The recent tragic clashes between Croatian and Muslim forces in the Republic of Bosnia and Herzegovina show that any delay in the endorsement and, if necessary, enforcement of the peace plans, make the prospects for success even more complicated.

The Republic of Croatia especially commends Security Council resolution 815 (1993) which states that UNPAs "are integral parts of the territory of the Republic of Croatia". This is the essential foundation for building a comprehensive peace process in the area and a fact which must be recognized by all sides involved in the conflict on the territory of the former Yugoslavia.

I would like to stress once again that the Republic of Croatia is looking at the peace process as the most desirable means towards achieving a comprehensive settlement of the crisis. It is not only crucial that all the sides participate in this process, but that they also recognize the sovereignty and

territorial integrity of all the States Members of the United Nations in the area. We would like to see the minorities in the respective states in the region acting as a bridge towards peaceful cooperation, and not as the *casus belli*. With this in mind we would like to inform you that the Croatian Government has prepared a set of various confidence-building measures with the special aim of normalizing the situation in the UNPAs and gradually reintegrating these areas into the Republic of Croatia. In particular, I wish to draw your attention to the recently established State Council for the Normalization of Croatian-Serbian Relations and its activities. On the other hand, those who continue their armed assault on cities, civilians or Croatian military or police forces should be aware of their responsibility and should find themselves eventually before international court dealing with war crimes.

Having in mind Security Council resolution 815 (1993), which extends the UNPROFOR mandate for an additional interim period terminating on 30 June 1993, it is our desire that our proposals be given serious consideration in reshaping the new UNPROFOR mandate. I fervently hope that the Republic of Croatia will not be put into the position to reconsider its decision to prolong the UNPROFOR mandate and would like to give you my assurances that we currently remain devoted to the peace process conducted under the auspices of the International Conference on the Former Yugoslavia.

(Signed) Franjo TUDJMAN
President of the Republic of Croatia

DOCUMENT S/25767*

Letter dated 12 May 1993 from the representative of the Czech Republic to the Secretary-General

[Original: English]
[12 May 1993]

I have the honour to transmit to you herewith the text of the statement issued on 20 April 1993 by the Ministry of Foreign Affairs of the Czech Republic in connection with the decision of the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(Signed) Mr. Vladimir GALUŠKA
*Acting Permanent Representative
of the Czech Republic to the United Nations*

TEXT OF THE STATEMENT

The Czech Republic considers the Treaty on the Non-Proliferation of Nuclear Weapons one of the main pillars of the system of agreements limiting armaments and contributing towards strengthening international security. In its declaration of 17 December 1992, the Czech National Council

recognized the validity of the Treaty for the Czech Republic as of 1 January 1993 following the dissolution of the Czech and Slovak Federal Republic. The depositaries of the Treaty have already been informed of this decision by a letter from the Minister for Foreign Affairs of the Czech Republic.

The Fifth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons will be held in 1995. Besides evaluating the implementation of the Treaty in the expired five-year period, the Conference is also to take a decision, in accordance with article X, paragraph 2, of the Treaty, on the extension of its validity. The Ministry of Foreign Affairs of the Czech Republic proceeds from the fact that all round efforts should be made to strengthen the Treaty before the Review Conference. The greater was its disappointment when it was informed about the decision of the Democratic People's Republic of Korea to withdraw from the Treaty, to which it became a Party in 1985. The weakening of the Treaty would constitute a serious step which could threaten regional as well as global security. Moreover, this would happen shortly after the nuclear non-proliferation regime was strengthened through the accession to the Treaty by France, the People's Republic of China and the Republic of South Africa.

The Ministry of Foreign Affairs of the Czech Republic examined the information available on the implementation of the Safeguards Agreement between the Democratic People's Republic of Korea and the International Atomic Energy Agency [IAEA]. In assessing the present situation, it proceeds from the fact that the system of IAEA inspections forms the basis for ensuring the observance of all provisions of the Treaty and that all Participating States should allow inspections on their territory. The Ministry of Foreign Affairs of the Czech Republic is of the opinion that the Democratic People's Republic of Korea should reassess its declared intention to withdraw from the Treaty. The problem should be solved by political means in the interest of preserving and further strengthening the regime of nuclear non-proliferation. In this respect, the Ministry of Foreign Affairs of the Czech Republic fully identifies itself with the statement made on this question by the depositaries of the Treaty on 1 April 1993 [S/25515].

DOCUMENT S/25768

Letter dated 12 May 1993 from the representative of the Democratic People's Republic of Korea to the President of the Security Council

(Original: English)
[13 May 1993]

I have the honour to transmit to you the statement of 12 May 1993 issued by the spokesman of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea.

I should be grateful if you would have this letter and the statement circulated as a document of the Security Council.

(Signed) PAK Gil Yon
*Permanent Representative of the Democratic
People's Republic of Korea to the United Nations*

* Circulated under the double symbol A/48/166-S/25767.

TEXT OF THE STATEMENT

An unreasonable "resolution" over the withdrawal of the Democratic People's Republic of Korea [DPRK] from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) was adopted in the Security Council on 11 May despite opposition from different countries.

Admission to or withdrawal from an international treaty belongs to the sovereignty of each country.

DPRK's withdrawal from NPT was a self-defensive measure taken DPRK exercising the right pursuant to NPT under the extraordinary situation in which the supreme interests of the country were exposed to grave threat.

Therefore, DPRK's withdrawal from NPT is not a matter to be discussed in the Security Council. The United Nations has no legal pretext or ground to adopt a "resolution" over this matter.

It is unreasonable for the Security Council to talk about "reconsideration" of the DPRK's measure to withdraw from NPT.

The Charter of the United Nations has no article which stipulates that signatories to an international treaty should not withdraw from the treaty or that issue should be taken with withdrawal from the treaty.

The "double standard" policy of the Security Council can by no means be justified in conniving at the misconduct of the offender and putting pressure on the victim.

The Government of the Democratic People's Republic of Korea resolutely rejects the "resolution" of the Security Council, considering it an interference in its internal affairs and a grave infringement on its sovereignty.

What is done by the United States and its followers at the Security Council reminds one of the 1950s when the Korean issue was discussed illegally at the Security Council.

If the latest "resolution" of the Security Council was adopted from motives of following the example of the "resolution" in the 1950s, the situation would get worse.

At a time when negotiations between DPRK and the International Atomic Energy Agency (IAEA) are ripe so that IAEA's inspection of DPRK and negotiations between DPRK and the United States of America may be possible, the Security Council stated only yesterday through a "President's Statement" that it was encouraging negotiations and is now blocking them. This is a very abnormal and contradictory act.

This proves that the United States is resorting to means of pressure, not to means of negotiations in the settlement of problems and the Security Council has been appropriated for the schemes of the United States, a belligerent party against DPRK, to stifle the socialist system of Korea.

Such an unjustifiable "double-dealing" policy of the United States through the Security Council has created grave difficulties in the way of negotiations between DPRK and IAEA.

The "nuclear problem" on the Korean peninsula cannot be solved by "strongarm acts" and "pressure".

The United States and its followers, some other members of the Security Council, must not mistake for an expression of weakness the DPRK's stand and efforts to solve the problem through negotiations on the basis of mutual trust.

If the Security Council finally puts such unreasonable "pressure" on us as "sanctions" on the basis of this "resolution", we cannot construe it otherwise than a "declaration of war" against DPRK.

It is the United States that gave rise to the "nuclear problem" on the Korean peninsula and it is also the United States that initiated the adoption of the "resolution". So, the United States will be held entirely responsible for all the consequences to be entailed therefrom.

DOCUMENT S/25769

Letter dated 4 May 1993 from the representative of Mauritania to the President of the Security Council

[Original: Arabic]
[13 May 1993]

In my capacity as Chairman of the Group of Arab States for the month of May 1993, I have the honour to transmit to you herewith resolution No. 5279 adopted on 19 April 1993 by the Council of the League of Arab States at its ninety-ninth session on the situation in Somalia.

I should be grateful if you would have this letter and the resolution circulated as a document of the Security Council.

(Signed) Mohamedou OULD MOHAMED MAHMOUD
Permanent Representative of Mauritania
to the United Nations

TEXT OF THE RESOLUTION

The situation in Somalia

The Council of the League of Arab States,

Having taken cognizance of the note by the General Secretariat and the recommendation of the Political Affairs Committee,

Having considered the developments in the situation in Somalia in the light of the Arab and international efforts to restore security and stability to Somalia, to preserve its unity,

to rehabilitate its economy and to achieve a comprehensive national reconciliation in Somalia,

Being informed of the efforts of the Secretary-General of the League of Arab States and his contacts with the Somali parties and with the international and regional organizations, which have made an effective contribution to the joint efforts to bring security, peace and stability to Somalia,

Expressing its appreciation for the efforts made by the United Nations, the League of Arab States, the Organization of African Unity and the Organization of the Islamic Conference to reach a political settlement which preserves the unity and territorial integrity of Somalia and restores security, stability and peace there,

Welcoming Security Council resolution 814 (1993) of 26 March 1993 on the situation in Somalia, which it considers a positive and forward-looking step to rescue Somalia from its ordeal,

Warmly welcoming the Somali National Reconciliation Agreement signed at Addis Ababa between the various Somali parties on 27 March 1993 and the effective contribution of the United Nations and the regional organizations concerned,

Reaffirming its previous resolutions on Somalia and the need for all the Somali parties to observe the cease-fire and to restrict themselves to fraternal dialogue in order to solve the conflict by peaceful means,

Decides

1. To invite all the Somali parties to cooperate fully with the United Nations and the regional organizations concerned in the implementation of the National Reconciliation Agreement signed on 27 March 1993 at Addis Ababa;
2. To provide material and moral assistance to the Somali National Transition Council and to enable it to carry out its task of restoring security, stability and peace in Somalia in cooperation with the United Nations;
3. To reaffirm its previous resolutions on the provision of humanitarian assistance to Somalia;
4. To invite its member States to contribute to the international efforts for the reconstruction of Somalia in various fields;
5. That the specialized Arab agencies, the Arab ministerial councils and the Arab development funds, each in its field of specialization, should provide aid and technical assistance to the Somali people;
6. To enable the General Secretariat to play its role in coordinating the delivery of Arab aid to Somalia. The member States should rapidly remit their financial contributions to the account for aid to Somalia opened by the Council of the League of Arab States pursuant to its resolution No. 5157; the member States should each in turn supply the General

Secretariat with statements listing the aid they are providing to Somalia;

7. To urge its member States to make contributions towards defraying the costs of the Somali diplomatic and consular missions, as well as the permanent missions of Somalia to international organizations.

DOCUMENT S/25773*

Letter dated 12 May 1993 from the representative of the United Kingdom of Great Britain and Northern Ireland to the Secretary-General

[Original: English]
[13 May 1993]

I have the honour to transmit to you the texts of two statements issued by the Government of the United Kingdom of Great Britain and Northern Ireland on 7 May 1993 concerning the extension of the maritime zone around South Georgia and the South Sandwich Islands (annex I) and the conservation of marine resources in the area in accordance with the Convention on the Conservation of Antarctic Marine Living Resources (annex II).

I should be grateful if the text of the present letter and its annexes would be circulated as a document of the General Assembly and of the Security Council.

(Signed) D. H. A. HANNAY
Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations

ANNEX I

Statement issued by the Government of the United Kingdom of Great Britain and Northern Ireland on 7 May 1993 concerning the extension of the maritime zone around South Georgia and the South Sandwich Islands

In recent years, Her Majesty's Government has become increasingly concerned about the conservation of marine resources around South Georgia and the South Sandwich Islands in the South Atlantic, which is a British Dependent Territory. Until 7 May this year, the Crown's sovereignty and jurisdiction around South Georgia and the South Sandwich Islands extended to the 12-mile limit of the territorial sea. For waters beyond this, we had relied solely on the work of the Commission created by the Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), a component of the Antarctic Treaty System. This depends on flag State regulation and policing to apply conservation measures decided by consensus amongst the 22 members. We fully support CCAMLR and cooperate in the body's work. We have worked most energetically to strengthen the role of CCAMLR in its regulation of southern ocean fisheries. Although CCAMLR has provided timely and much-needed protection for commercially-fished species, we are concerned that nevertheless fish stocks have been depleted.

* Circulated under the double symbol A/48/167-S/25773.

Moreover, infringements of CCAMLR regulations have grown. The need to reinforce conservation arrangements in the area for which Her Majesty's Government is responsible is clear. Accordingly, Ministers decided to strengthen conservation and management of marine resources around South Georgia and the South Sandwich Islands by the introduction of national measures. These measures are intended to supplement, not replace, the role of CCAMLR and are of course fully compatible with it.

For this reason, the Commissioner for South Georgia and the South Sandwich Islands issued a Proclamation on 7 May 1993 to provide for the exercise of the Crown's sovereign rights to jurisdiction over a maritime zone. This action will reinforce existing measures under CCAMLR.

Since their re-establishment in 1990, our relations with Argentina have progressed to their present excellent state and are now marked by a new openness and growing mutual confidence. This is a source of great satisfaction to Her Majesty's Government, which will continue to work to develop the relationship further. Against this background, it was natural for us to discuss our concerns over conservation fully with the Argentine Government, with which we have extensive exchanges on South Atlantic matters, particularly in relation to fisheries. We look forward to pursuing this dialogue.

ANNEX II

Statement issued by the Government of the United Kingdom of Great Britain and Northern Ireland on 7 May 1993 concerning the conservation of marine resources

The Argentine Republic has today reasserted its purported claims in respect of South Georgia and the South Sandwich Islands and the waters surrounding those Islands. In enacting its Law No. 23968 in November 1991, the Argentine Republic repeated those claims to jurisdiction over the maritime areas concerned over which the United Kingdom of Great Britain and Northern Ireland has sovereign rights in international law. Her Majesty's Government does not accept such Argentine claims. We have no doubts about our sovereignty over South Georgia and the South Sandwich Islands and our consequent entitlements to maritime jurisdiction in accordance with international law around that territory.

Her Majesty's Government recognizes the strength and importance of the continuing relationship with Argentina, places a high value on the continuing strength of those relations and acknowledges the need to work together for mutual benefit and the achievement of conservation objectives in the South Atlantic. Her Majesty's Government is committed to tight conservation controls in the waters covered by the Convention on the Conservation of Antarctic Marine Living Resources and supports the continuing and effective role of the Commission established by that Convention.

DOCUMENT S/25774

Letter dated 11 May 1993 from the Secretary-General to the President of the Security Council

*[Original: English]
[13 May 1993]*

I have the honour to bring to your attention the attached letter from the Director General of the International Atomic

Energy Agency, in which he requests circulation as a document of the Security Council.

(Signed) Boutros BOUTROS-GHALI

LETTER DATED 11 MAY 1993 FROM THE DIRECTOR GENERAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY TO THE SECRETARY-GENERAL

I refer to the letter of 10 May 1993 from the Permanent Representative of the Democratic People's Republic of Korea (DPRK) to the President of the Security Council contained in document S/25747. In this connection and further to my report, on behalf of the IAEA Board of Governors, to the Security Council and the General Assembly [S/25556], I have the honour to state as follows:

In implementing the Safeguards Agreement between the DPRK and the International Atomic Energy Agency (IAEA), in connection with the Treaty on the Non-Proliferation of Nuclear Weapons, the IAEA secretariat has been guided by the Agency's Statute, and by the relevant provisions of the Safeguards Agreement. In conformity with the Agreement, I have reported to the Board of Governors of IAEA on results of the implementation of the Agreement and provided information concerning objections raised by the DPRK to the Agency's right of access to safeguard relevant sites. In its resolution of 18 March 1993, adopted without a vote, the Board has expressed, *inter alia*, "its full confidence in the Director General and the Secretariat and its support for the actions they have taken to implement the Safeguards Agreement with DPRK in an impartial and objective manner".

I should be grateful if this letter could be circulated as a document of the Security Council.

(Signed) Hans BLIX

DOCUMENT S/25776

Letter dated 12 May 1993 from the representative of Armenia to the Secretary-General

*[Original: English]
[14 May 1993]*

Upon instructions from my Government, I have the honour to forward to you the letter of the Minister for Foreign Affairs of the Republic of Armenia, Mr. Vahan Papazian.

I should be grateful if you would circulate this letter and that of the Minister as a document of the Security Council.

*(Signed) Alexander ARZOUMANIAN
Permanent Representative of Armenia
to the United Nations*

LETTER DATED 11 MAY 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF THE REPUBLIC OF
ARMENIA TO THE SECRETARY-GENERAL

I thank you for your communication of 5 May 1993, formally transmitting the text of Security Council resolution 822 (1993), which was recently adopted.

Armenia supports the demands of the Security Council in the order introduced in resolution 822 (1993) and is ready to assume responsibility for all actions which are relevant to Armenia. The Government of Armenia, too, has been calling for the immediate cessation of all hostilities leading to a durable cease-fire, the immediate return of all parties to the conflict to the negotiating table, and the withdrawal of Nagorny-Karabakh Self-Defense Forces from the Kelbadjar district with real guarantees that the district will no longer represent a threat to the security of the people and borders of Nagorny-Karabakh.

Unfortunately, the Government of Azerbaijan has failed to comply with the spirit and letter of resolution 822 (1993) by refusing to return to the CSCE [*Conference on Security and Cooperation in Europe*] negotiation process. In the absence of negotiations, it has been impossible to produce an agreement which could have enabled Armenia and Nagorny-Karabakh to comply with the above-mentioned demands of the Security Council.

The Government of Armenia would also point out that by continuing its military offensives against Nagorny-Karabakh and Armenia, Azerbaijan is violating yet another demand of the Security Council resolution.

Azerbaijan has failed to comply also with the demand of the resolution to end "hostile acts" by maintaining its blockade of Armenia and Nagorny-Karabakh and intensifying its psychological war against Armenia and the Armenian people.

In this respect, Armenia deplores the abuse by the Permanent Representative of Azerbaijan to the United Nations of the services provided by the Secretariat. The daily dissemination of fabricated, war-mongering and hate-filled propaganda was certainly not the purpose of accessing Secretariat services and can, under no circumstances, be construed to be in the interest of peace.

Finally, Armenia regrets to inform you that despite the provisions of the same resolution, the Republic of Turkey continues to deny Armenia access to humanitarian assistance.

Under the circumstances, you may find it useful to appoint a United Nations Special Representative in the region who could provide the Secretary-General with accurate information regarding the implementation by the various parties of all provisions of resolution 822 (1993). Armenia believes regular reports by a United Nations Special Representative would provide an effective mechanism to promote the realization of a durable cease-fire and a negotiated solution to the Nagorny-Karabakh conflict.

(Signed) Vahan PAPAZIAN

DOCUMENTS S/25777* AND ADD.1

Report of the Secretary-General pursuant to Security
Council resolution 815 (1993)

DOCUMENT S/25777

[Original: English]
[15 May 1993]

INTRODUCTION

1. In paragraph 3 of its resolution 815 (1993) of 30 March 1993, the Security Council decided to reconsider one month after the date of that resolution or at any time at the request of the Secretary-General, the mandate of the United Nations Protection Force (UNPROFOR), in the light of developments of the International Conference on the former Yugoslavia (ICFY) and the situation on the ground. In paragraph 6 of the same resolution, the Council requested the Secretary-General to report urgently to the Council on how the United Nations Peace Plan for Croatia could be effectively implemented. In paragraph 4, the Council also decided to extend UNPROFOR's mandate for an additional interim period terminating on 30 June 1993. The following report is therefore submitted to provide the Council with an interim assessment of developments relating to UNPROFOR's mandate in Croatia.

I. UNITED NATIONS PEACE-KEEPING PLAN FOR CROATIA

2. The United Nations mandate in Croatia derives principally from the following Security Council resolutions: resolution 743 (1992) of 21 February 1992, which established UNPROFOR in accordance with the United Nations peace-keeping plan [S/23280, annex III] concerning the United Nations protected areas (UNPAs) in Croatia; resolution 762 (1992) of 30 June 1992, which established a Joint Commission to oversee the progressive return of the "pink zones" to Croatian authority; resolution 769 (1992) of 7 August 1992, which provided for UNPROFOR to establish border controls at international crossing points leading into the UNPAs; resolution 779 (1992) of 6 October 1992, which dealt with the Prevlaka peninsula and approved UNPROFOR's taking control of the Peruca dam; resolution 802 (1993) of 25 January 1993, calling for a cease-fire and other steps subsequent to the Croatian armed incursion of 22 January 1993; resolution 807 (1993) of 19 February 1993, making further provisions following upon the events of 22 January and thereafter, and extending UNPROFOR's mandate until 31 March 1993; and resolution 815 (1993) of 30 March 1993, which extended the mandate of UNPROFOR for another interim period until 30 June 1993. The Secretary-General has reported regularly to the Council regarding the progress made by UNPROFOR in respect of these main resolutions.

3. The peace-keeping plan for Croatia provided for the withdrawal of the Yugoslav People's Army (JNA) and the demilitarization of the UNPAs, the return of refugees, the re-establishment of police forces, and associated matters

* Incorporating document S/25777/Corr.1 of 18 May 1993.

relating to the intended process of normalization. As most recently reported on 10 February 1993 [see S/25264], the experience of UNPROFOR in this respect has been mixed. Non-cooperation by the local Serb authorities in several respects, and consequent military and other actions by the Croatian authorities, have prevented the successful implementation of the plan. The direct and indirect consequences of the Croatian incursion of 22 January have been particularly destructive. The Secretary-General has reported to the Council that UNPROFOR has not been able to establish the conditions of peace and security that would have permitted the voluntary return of refugees and displaced persons to their homes [*ibid.*, para. 13].

4. The basic assumption underlying the peace-keeping plan at the time was that it was of an interim nature, that it would remain in effect only until an overall political solution had been reached and that it did not prejudice the outcome of negotiations. It was further assumed that these negotiations would be undertaken by the Conference on Yugoslavia established by the European Community under the chairmanship of Lord Carrington. A principle of that Conference, established by agreement on 4 October 1991, was that there would be no unilateral changes of borders [see S/23169, para. 21]. In theory, therefore, the possibility existed that the problem between the Republic of Croatia and the Serb population living in the UNPAs and the "pink zones" could be settled by an agreed adjustment of frontiers. During the negotiation of the peace-keeping plan, however, it was repeatedly emphasized to the local Serb leadership in what were to become the UNPAs that, in practice, the only basis for a settlement was their acceptance of Croatian sovereignty in return for guarantees of their minority rights. They never accepted this position or concealed their determination to press for independence from Croatia.

5. By August 1992, when the ICFY replaced the European Community's Conference on Yugoslavia as the forum for the negotiation of a settlement, a number of political developments had changed the framework within which such a settlement could be obtained. With the admission of Croatia as a State Member of the United Nations in May 1992, it became implicitly clear that a settlement had to be sought without change to the internationally recognized borders of that State. This was made explicit when the Security Council, in paragraph 5 of its resolution 815 (1993), resolved that it supported "the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in their efforts to help to define the future status of those territories comprising the United Nations Protected Areas (UNPAs), which are integral parts of the territory of the Republic of Croatia ..."

6. The Co-Chairmen had anyway been conducting their negotiations on this basis. But the Security Council has now made it clear formally that the international community will not entertain the claim of the local Serb authorities to recognition as a sovereign entity (the so-called "Republic of Serb Krajina"). The aspiration of the local Serbs to sovereignty has to a large extent determined their attitude towards the presence of UNPROFOR and the provisions of the

peace-keeping plan. Their refusal to demilitarize has been based on their fear of absorption by force into Croatia.

7. An additional area of non-cooperation by the local Serbs has related to the implementation of Security Council resolution 769 (1992), which authorizes UNPROFOR to establish border controls at the international borders of the UNPAs. In the absence of such border controls, the Security Council, in paragraph 12 of its resolution 820 (1993), which imposes additional sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro), established a regime which provides that import to, export from and transshipment through the UNPAs in the Republic of Croatia and those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, with the exception of essential humanitarian supplies including medical supplies and foodstuffs distributed by international humanitarian agencies, shall be permitted only with proper authorization from the Government of the Republic of Croatia or the Government of the Republic of Bosnia and Herzegovina. On 27 April 1993, a meeting was held between UNPROFOR and the Serb authorities at which attempts were again made to secure their agreement to the implementation of resolution 769 (1992). At that meeting, the Serb side declared that, in view of resolution 820 (1993), such agreement could not at that time be considered and that they regarded the idea of Croatia regulating the commerce and trade of the UNPAs as being in direct breach of the peace-keeping plan.

8. As regards resolution 802 (1993), representatives of the Co-Chairmen in New York, Geneva and elsewhere have negotiated at great length with both parties to secure an agreement to implement the cease-fire and related provisions. On 6 April 1993, a provisional agreement was signed which required the endorsement of both sides [S/25555, annex]. Although UNPROFOR has held three lengthy meetings with the local Serb authorities to explain how it would implement the agreement operationally, and to clarify other related matters, no such endorsement had been forthcoming from the Serb side as of 10 May 1993.

II. PEACEMAKING

9. The Co-Chairmen of the Steering Committee of the ICFY have attempted to pursue negotiations with both sides in recent weeks. It is clear that the relationship between Croats and Serbs in the Republic of Croatia is of fundamental importance to the settlement of the crisis. Unfortunately, because of what has happened in recent months, the prospects for the amicable coexistence of the two groups have receded, and if current trends are not quickly reversed, the situation may deteriorate further. The position of minority groups, which was tending to stabilize both inside and outside the UNPAs, has worsened since the events of 22 January 1993. Remaining Croats in the UNPAs have in many cases been relentlessly persecuted, suffering murder, assault, threats, armed thefts and arson. UNPROFOR has had to establish protected villages and, in the last resort, was forced to help relocate several hundred vulnerable civilians to security in Croatia with the cooperation, and sometimes at the insistence, of the Croatian Government. It has been a tragic humanitarian situation, totally at variance

with UNPROFOR's duty under the peace-keeping plan to try to reintegrate Croat and Serb communities.

10. At the same time, the Office of the United Nations High Commissioner for Refugees (UNHCR) has reported the continued movement out of Croatia of many members of the Croatian-Serb population, often to Serbia. According to UNHCR figures dated 19 March 1993, the number of Serb refugees and displaced persons who have fled from Croatia to Serbia and the UNPAs (approximately 251,000) now exceeds the number of Croats who were displaced from the UNPAs to Croatia.

11. It is apparent that three conditions must be met in order to provide a reasonable basis for a lasting peace:

(a) The sovereignty and integrity of the State of Croatia has to be respected;

(b) The Croat majority's basic interests have to be safeguarded and at the same time reconciled with the rights of the minority and political autonomy for the Krajina;

(c) Members of the Serb population in Croatia must be able to feel secure within the boundaries of the State, so that they do not look outside it for their fundamental safety.

12. To achieve this in the current circumstances in Croatia will require a major endeavour on the part of all concerned, under the auspices of the international community. Serb leaders in the UNPAs continue to reject the idea of being part of Croatia, asserting that "minority" status within the Republic of Croatia is unacceptable to them. Nevertheless, the various elements of the peace-keeping plan, and the efforts of the Co-Chairmen to negotiate arrangements for a durable solution, constitute steps in the right direction. However, the Force Commander reports, and I agree, that there should be no illusions: it is by no means clear that either group is yet ready to accept the self-limitations that would be required, nor to adopt the tolerance of ethnic or cultural pluralism which is the only guarantee of continuous stability in the State and the region. It has to be emphasized that such a solution could take some time, while confidence is re-established.

III. PRESENT SITUATION IN THE UNPAs AND PINK ZONES

13. As a consequence of the various developments described in section I above, and the lack of progress in the peacemaking efforts led by the Co-Chairmen, the present situation in the UNPAs and "pink zones" gives rise to great concern. The continuance of hostilities despite resolution 802 (1993), including repeated shelling, by both sides, of purely civilian targets, and reports of further imminent incursions, have caused tensions in the UNPAs to rise to a degree not previously encountered since the establishment of UNPROFOR. For instance, at purely civilian locations at Gospic, Zadar, Sibenik, Benkovac, Obrovac and Kistanje, shelling by mortar, artillery, tanks and rockets has become a frequent occurrence, causing deaths and other casualties, and damaging hospitals, schools and homes. On 21 April, a

member of UNPROFOR's joint Czech and Slovak battalion was killed by Croatian army shelling while fulfilling his responsibilities on behalf of UNPROFOR. The Force Commander has protested in the strongest terms at both Zagreb and Knin against these flagrant breaches of humanitarian law.

14. Restrictions imposed by the local Serb authorities on UNPROFOR's freedom of movement have been much more acute, especially in sectors North and South. All elements of UNPROFOR have been affected, but the impact on the work of United Nations Military Observers (UNMOs) and United Nations Civilian Police has been particularly drastic. At times, they have been unable to move out of the main towns, and their ability to report on cease-fire matters and other events in the areas of conflict, and in respect of humanitarian situations, has been seriously weakened. Elsewhere, crossing points have frequently been closed, preventing normal passage of logistical and humanitarian convoys. Restrictions on UNPROFOR aerial movement have also been imposed, with even reconnaissance flights permitted only after negotiation of air corridors.

15. Serb attitudes towards UNPROFOR have also gravely deteriorated. In one instance, on 7 April 1993, two Nigerian soldiers were murdered at a checkpoint, and another injured. Other casualties have occurred (since 27 March, 12 other incidents of attacks on UNPROFOR have occurred, in which one UNPROFOR soldier was killed and five were wounded), and there are daily manifestations of hostility to the UNPROFOR presence, often accompanied by the pointing and cocking of weapons and aggressive behaviour at checkpoints. On 7 and 14 April, at meetings held to try to resolve these problems, the local Serb authorities told UNPROFOR's Deputy Chief of Mission that, while they regretted these various trends and incidents, and would like UNPROFOR to remain in a protective role, they were unable to restrain their population who now tended to see UNPROFOR as a hostile presence. They stated that they would like to accept UNPROFOR as a "genuine protection force", but asserted that recent developments had destroyed the basis of confidence in the Force's impartiality. Hostility has been especially marked towards battalions of certain nationalities, whose members have been forced to take special precautions for their own protection. Threats have also been conveyed to take hostage, or to exact revenge upon, UNPROFOR personnel, should any acts of armed force be undertaken by foreign Governments against Serb personnel or locations in various parts of the former Yugoslavia.

16. Though UNPROFOR continues to make daily attempts to elicit the cooperation of the Serb leadership in the UNPAs, the fundamental problem remains their unwillingness to accept the premises of UNPROFOR's mandate as defined in Security Council resolutions. On 30 April 1993, the Secretary-General received a letter from the Serb authorities asking him, *inter alia*, to clarify whether the original peace-keeping plan still existed, to "relocate" UNPROFOR "along the line of confrontation as it existed in January 1993" and stating that if their demands were not met, "somebody will have to accept responsibility before history for the possible escalation of military conflicts."

17. As the above summary of the situation in UNPROFOR's area of responsibility indicates, UNPROFOR is severely handicapped in performing its functions and its personnel are in peril. In the circumstances, it is currently not possible for UNPROFOR to fulfil its mandate in Croatia.

IV. OBSERVATIONS

18. The Council will recall that, in my report of 15 February 1992 recommending the establishment of the Force [S/23592], I had expressed my concerns about the complexities and dangers of the Yugoslav situation and stated that "there remain a number of unanswered questions about the extent to which the Force will in practice receive the necessary cooperation." (para. 28). Developments since then have done little to alleviate my original apprehension. The Serb side has taken the presence of UNPROFOR as a licence to freeze the status quo in place, under UNPROFOR "protection", while establishing a "state" of the "Republic of Serb Krajina" in UNPROFOR's area of responsibility. The Croatian side, meanwhile, has insisted that since the plan was drafted, the "overall political solution" that was sought at the time has been found with the recognition of Croatia and its admission to the United Nations; the Serbs must therefore accept the authority of Zagreb, which they had rebelled against in the first place. There is very little, if any, common ground between the two sides on this question.

19. Though UNPROFOR has succeeded in ensuring the complete withdrawal of JNA, in maintaining peace and in reducing the intimidation of civilians in the UNPAs, it has not been able to fulfil other aspects of the original peace-keeping plan. The Serbs have failed to demilitarize the UNPAs as called for in Security Council resolution 743 (1992), and as a result little progress has been made towards the return of refugees and displaced persons to their homes in the UNPAs. They have also refused to cooperate with UNPROFOR in the implementation of resolutions 762 (1992) (return of the "pink zones" to Croatian authority) and 769 (1992) (control of the borders of the UNPAs). They have also imposed restrictions on UNPROFOR's freedom of movement, especially in Sector South, which have crippled UNPROFOR's monitoring function. The Croatian side, in turn, has manifested its impatience with the United Nations three times (June 1992 and January and April 1993) launching military offensives across the lines of confrontation. The view of the Government of Croatia (reiterated most recently in documents S/25447, S/25601 and S/25766) is that UNPROFOR should be given enforcement powers to oblige the Serbs to comply with Security Council resolutions, and to do so with specific objectives against a set timetable, failing which the Government has made it clear it will not agree to further extensions of UNPROFOR's mandate.

20. It is my view that, given the virtually irreconcilable positions above, the Security Council has three options:

(a) *To declare the mandate unworkable in view of Serb non-cooperation, and to withdraw the Force.* Though I am concerned that such a step would almost certainly lead to resumption of hostilities, which the United Nations would

again be called upon to end, I believe it must be considered. At a time of considerable demands upon United Nations peace-keeping around the world, it is anomalous that the present deployment of UNPROFOR is found unsatisfactory by both sides, and that any conceivable change would require more optimism than the facts on the ground appear to warrant. Since any new proposals to change the situation described in parts I and II of the present report would require the consent of both parties, and since such consent is clearly not available, the Security Council could decide not to waste the limited resources of the international community by retaining in Croatia a large force whose mandate has proved to be un-implementable. The Council has already learned from the case of the United Nations Interim Force in Lebanon that the prolongation of a peace-keeping force whose mandate cannot be implemented becomes an expensive and open-ended commitment, with a considerable risk of casualties. By announcing its intention to withdraw UNPROFOR at the end of the present mandate (30 June), the Security Council would be sending a clear signal to the parties that only willingness on their part to negotiate seriously would persuade the international community to keep the Force in being. A variation on this approach would be to decide that UNPROFOR *would* be withdrawn unless the two sides made progress in political negotiations before the end of the present mandate;

(b) *To accept the Croatian view and approve enforcement action to exact compliance from the Serbs.* This would be tantamount to putting UNPROFOR at war with the Serbs in the UNPAs and "pink zones". Neither the Force Commander nor I myself consider that the international community should become a party to the conflict, using military force to impose a solution on one side in what remains an inter-ethnic dispute. Nor is it clear that troop contributors would agree to make their soldiers available for such a purpose. The present size and armament of the Force would, in any event, be grossly inadequate for such a task. The enforcement option would thus also require the Security Council to expand UNPROFOR significantly. Even if Member States were to make enough troops available for the purpose, which I do not judge to be likely, I am not in a position to recommend to the Security Council that this would be a proper or worthwhile use of the United Nations limited military resources;

(c) *To leave UNPROFOR in place, with no change in mandate but with limited enhancements of its military capacity.* The only justification for this option is the high risks associated with the other two. In the short term, UNPROFOR would try to limit the hostilities. In the long term, it would be hoped that sanctions on the Federal Republic of Yugoslavia (Serbia and Montenegro) and mounting international pressure on the Bosnian Serbs, as well as intensified peacemaking efforts by the Co-Chairmen, would strengthen those elements amongst the Krajina Serbs who wish to cooperate in the implementation of the Security Council resolutions, thus permitting UNPROFOR to carry out its original mandate.

21. The disadvantages of this option are clear. First, the Force would remain on the same "peace-keeping" basis as at present and would thus require a degree of consent and

cooperation from the parties that it does not at present enjoy, and which the Force by itself can do little to obtain until a change in the external political environment occurs. Secondly, this option would also require a change of position by the Government of Croatia, since the Security Council would in effect be asking the Croatian authorities to tolerate the status quo for a further period in the expectation of a change at an unspecified time in the future. The position of the Croatian Government has consistently been that it is not prepared to wait indefinitely for the restoration of its authority in UNPROFOR's area of responsibility. Should the Council approve this option, it would be necessary to obtain the consent of the Government of Croatia. If the Government's position remained unchanged, the Force would have to be withdrawn.

22. The retention of the Force in Croatia beyond 30 June 1993 would require the following enhancements to UNPROFOR's strength, which the Force Commander judges to be the minimum necessary:

(a) The upgrading of the Czech "mini-battalion" to full battalion strength, i.e., an additional 400 all ranks;

(b) An increase of 20 armoured personnel carriers (APCs) in each of the eight battalions which have not so far been provided with an adequate APC capacity, i.e., a total of 160 APCs, to improve the Force's defensive capacity and mobility;

(c) The addition of 50 UNMOs, to be distributed throughout the sectors, to enhance UNPROFOR's ability to observe and report. The UNMOs should be equipped with armoured (but unarmed) patrol cars.

23. Having considered these three options very carefully, I have concluded that it would not be advisable for me at this moment to recommend that the Council adopt any of the options. The political and military situation, not only in Croatia but also in Serbia and in Bosnia and Herzegovina, is highly volatile. I have also just appointed Thorvald Stoltenberg as the new United Nations Co-Chairman of the Steering Committee of the ICFY and also as my Special Representative in the former Yugoslavia. Before making a recommendation to the Council about the future of UNPROFOR in Croatia, I would prefer to await a report from Mr. Stoltenberg after his forthcoming visit to the area.

24. In the circumstances described in the present report, it is also vital that the cease-fire agreement required by resolution 802 (1993) be implemented as soon as possible. As soon as the Serb side ratifies the agreement signed at Geneva, UNPROFOR will implement it, initially by redeploying its existing military forces and police. As explained in my earlier report [S/25555], such redeployment cannot be sustained without reinforcement, which would require:

(a) Two battalions of mechanized infantry of some 1800 all ranks;

(b) Two engineer companies of some 300 all ranks;

(c) Fifty UNMOs.

The implementation of resolution 802 (1993) is not only essential but would also help to regenerate momentum towards peaceful conditions and normalization which could help UNPROFOR to fulfil its tasks. However, UNPROFOR has neither the mandate nor the resources to impose the implementation of the resolution on the parties.

25. While the Council considers the above enhancements to the Force in Croatia, I would request it to approve an unrelated strengthening of the French battalion at Sarajevo by a further 150 all ranks, which the Force Commander judges necessary on the basis of the operational experience of the Force in that city.

26. In this connection, I must express my grave concern about the failure of Member States to pay their assessments to UNPROFOR in full and on time, as a result of which reimbursements to troop contributors have fallen several months behind schedule. Nine Member States contributing infantry battalions to UNPROFOR have formally conveyed to the Secretariat their difficulties with this delayed reimbursement. One State has announced its intention to leave the Force, and two others who have been approached to increase their participation have indicated that they would have serious financial problems in fulfilling the request. At the moment, therefore, the Secretariat knows of no Member State willing to contribute an infantry battalion to UNPROFOR, even if the implementation of the cease-fire agreement described in paragraph 24 above becomes feasible. I should like to appeal once again to Member States to honour their financial obligations to the Organization, without which the viability of United Nations peace-keeping will be threatened.

27. In conclusion, I should like to reiterate that it is of the highest importance that, parallel to the work of the peace-keeping force, a process of active negotiation under the auspices of the ICFY be pursued as soon as possible to find long-term political solutions to the question of the UNPAs and, indeed, to that of the relationship between Croats and Serbs in Croatia.

28. Preliminary estimates of the costs of the proposals made in paragraphs 22, 24 and 25 above will be circulated shortly as an addendum to the present report.

DOCUMENT S/25777/ADD.1

1. In document S/25777 above, I indicated in paragraph 28 that the preliminary estimates of the costs to the United Nations of the proposals made in that report would be circulated as an addendum.

2. The additional responsibilities to be undertaken by the United Nations Protection Force (UNPROFOR) are indicated in paragraph 20 (c) of document S/25777 above and the proposed increase in the strength of UNPROFOR are set out in paragraphs 22, 24 and 25 thereof. As indicated in those paragraphs, the enhancement of the Force in Croatia would require an additional 400 troops all ranks and 50 military

observers. The implementation of the cease-fire agreement would require 2,100 troops all ranks consisting of two mechanized infantry battalions of some 1,800, and two engineer companies of some 300 all ranks as well as 50 military observers. The strengthening of the Force at Sarajevo would require an additional 150 troops all ranks. These requirements would provide for a total of 2,650 additional troops and 100 additional military observers.

3. It is estimated that the cost associated with the enhancements proposed in paragraphs 22, 24 and 25 will amount to some \$91.2 million for an initial six-month period. The breakdown of this amount by individual proposal is as follows: \$22.2 million for paragraph 22, \$65 million for paragraph 24 and \$4 million for paragraph 25. It is further

estimated that the combined monthly cost thereafter will be approximately \$9.7 million. A breakdown of the estimated costs for each proposal for the first six-month period, by main categories of expenditure, is provided for information purposes in the annex to the present addendum.

4. It would be my recommendation to the General Assembly, should the Security Council decide to approve the proposed course of action and enlarge the mandate and strength of UNPROFOR, that the additional cost relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States be credited to the UNPROFOR special account.

ANNEX

Cost estimate of the additional costs to the United Nations for the activities of UNPROFOR

(Thousands of United States dollars)

Objects of expenditure	Initial six months		
	Paragraph 22	Paragraph 24	Paragraph 25
1. Military component			
(a) Military observers	1 157	1 156	-
(b) Contingent personnel	3 406	19 161	1 277
(c) Other costs pertaining to contingents	5 923	6 080	682
2. Civilian staff costs ^a	-	758	-
3. Premises/accommodation	2 896	16 511	1 101
4. Air operations	-	1 577	-
5. Transport operations	5 897	4 347	168
6. Communications	713	4 433	48
7. Miscellaneous equipment	1 257	6 943	429
8. Miscellaneous supplies, services, freight and support costs	<u>937</u>	<u>4 252</u>	<u>306</u>
Total	<u>22 186</u>	<u>65 018</u>	<u>4 011</u>

^aProvides for 8 international staff and 59 locally recruited staff.

DOCUMENT S/25779

**Letter dated 14 May 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

*[Original: English]
[14 May 1993]*

I have the honour to submit to you the enclosed letter, dated 14 May 1993, from my President to you.

May I ask for your kind assistance in circulating the letters as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations*

**LETTER DATED 14 MAY 1993 FROM THE PRESIDENT
OF THE PRESIDENCY OF THE REPUBLIC OF BOSNIA
AND HERZEGOVINA TO THE PRESIDENT OF THE
SECURITY COUNCIL**

Despite the agreement on a cease-fire, signed on 8 May, the aggressor has launched the new, heavy offensive on Brčko. The town is attacked by more than 30 tanks, artillery and infantry. Some of our defence lines were cut through and hand-to-hand combat has already been registered.

The aggressor is concentrating its forces in this region in a quantity of 15,000 men with the engagement of a tank battalion. Over 20 flights of enemy helicopters carrying troops were registered yesterday.

The lives of 50,000 people of Brčko are in danger.

I protest against this offensive of Serbian paramilitary units and ask you to do everything you can to stop it. I ask you to help the deathly jeopardized population of Brčko.

Expecting your urgent intervention, please accept the assurances of my highest consideration.

*(Signed) Alija IZETBEGOVIĆ
President of the Presidency
Republic of Bosnia and Herzegovina*

DOCUMENT S/25780

**Letter dated 14 May 1993 from the representative of
Yugoslavia to the President of the Security Council**

*[Original: English]
[14 May 1993]*

I am writing to you in connection with the letter dated 10 May 1993 from the Permanent Representative of Croatia to the United Nations addressed to you [S/25748].

It is deeply regrettable and disturbing that the Government of Croatia, in an apparent effort to stave off condemnation and

evade responsibility for the Croatian offensive in central Bosnia has tried to put the blame on the Serbian side.

It is indeed absurd and an outrageous example of hypocrisy that the Government of Croatia is pointing the finger "at Serbian aggression against the territory of Bosnia and Herzegovina" when the Security Council has strongly condemned this major military offensive launched by Bosnian Croat paramilitary units which is totally inconsistent with the signature of the peace plan by the Bosnian Croat side.

At a juncture when it is becoming vividly plain that what is at stake in Bosnia and Herzegovina is a cruel and tragic civil war based on ethnic and religious differences in which no party is innocent, the Government of Croatia has once again resorted to well-worn falsehoods of alleged Serbian aggression. As can be deduced from the reports of the Secretary-General, the only aggressor in Bosnia and Herzegovina are the regular forces of the Croatian army, 40,000 to 50,000 of which occupy western Herzegovina.

While "ethnic cleansing" is being carried out against all non-Croats in Croat-held territories in Bosnia and Herzegovina in full view of UNPROFOR [*United Nations Protection Force*] and the international community, which has resulted in a strong rebuke by the Security Council, the Government of Croatia, by cynically condemning the Serbian side for alleged aggression in Bosnia and Herzegovina, is trying to divert attention from the responsibility of the Bosnian Croat side for the hostilities which it is undertaking in Bosnia and Herzegovina.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Dragomir DJOKIC
Chargé d'affaires à
of the Permanent Mission of Yugoslavia
to the United Nations*

DOCUMENT S/25782

**Letter dated 14 May 1993 from the representative of
Pakistan to the President of the Security Council**

*[Original: English]
[14 May 1993]*

On behalf of the members of the Security Council that are members of the Movement of Non-Aligned Countries (Cape Verde, Djibouti, Morocco, Pakistan and Venezuela), I have the honour to transmit herewith a memorandum containing our views and concerns with regard to the situation in Bosnia and Herzegovina.

I should be grateful if this letter, along with the memorandum, is kindly circulated as a document of the Security Council.

*(Signed) Jamsheed K. A. MARKER
Permanent Representative of Pakistan
to the United Nations*

TEXT OF THE MEMORANDUM

The members of the Security Council that are members of the Movement of Non-Aligned Countries (Cape Verde, Djibouti, Morocco, Pakistan and Venezuela), in view of the prevailing uncertainties and lack of clear direction as regards the conflict in Bosnia and Herzegovina, have found it necessary to convey to the Security Council the following views and concerns:

1. The efforts of the United Nations Protection Force (UNPROFOR) and the United Nations High Commissioner for Refugees, as well as those of international humanitarian organizations, particularly the International Committee of the Red Cross, for the provision of humanitarian relief assistance to the people of Bosnia and Herzegovina are most admirable. The international effort led by the United States of America to air-drop humanitarian relief assistance to isolated pockets in that country is also commendable.

2. Nevertheless, throughout this conflict, the Council has been fundamentally unable to discharge its full responsibilities under the Charter of the United Nations to maintain international peace and security. The collective security system, as envisaged in the Charter, has failed to redress this tragic situation. This is evident from the fact that over two thirds of the country has been forcefully occupied by Serbs, whose aggression continues even as we speak. The international community continues to remain ineffective in responding to this aggression. On the other hand, Bosnia and Herzegovina has been effectively deprived of exercising its inherent right, enshrined in Article 51 of the Charter, to individual or collective self-defence, in what has been called a "moral rape" of that Republic.

3. The caucus shares the position that there are now no alternatives to the peace plan. Nevertheless, serious doubts persist as to whether the Serbs will allow a peaceful settlement of the conflict in accordance with the plan. The signatures attached to the plan by the leadership of the three Bosnian communities have not prevented continued hostilities. This, in turn, raises a number of questions as to whether the political and military components of the plan can or will ever be implemented in the light of the realities of the situation. It also raises the question whether, and until when, the Council is prepared to take measures if the Serbs continue to reject the plan. If it is accepted, but not implemented, is the Council prepared to take enforcement measures to secure its implementation?

4. Successive measures have been adopted by the Council to limit the scope of the war, cope with its humanitarian consequences and sanction those, be it individuals or States, who have been deemed to have shared responsibilities bearing on the prevailing situation. Nevertheless, these measures, although designed to buttress the peace plan and cope with emergency situations, increasingly are becoming an end in themselves, instead of addressing the realities of the situation. These steps have not been able to curtail a continued deterioration of the political and humanitarian situation in Bosnia and Herzegovina, nor do they allow for any clear

guidance as to how or when the international community will be able to shift the focus of its policies from such piece-meal measures to comprehensive peace-keeping and post-conflict peace-building. Since the London International Conference on the Former Yugoslavia and up to the Vance-Owen plan, the Serbs have repeatedly deceived the international community and reneged on their commitments. The Serbs have used the negotiating process and the Vance-Owen plan not as a means to a peaceful solution, but as a vehicle for procrastination and for gaining international legitimacy.

5. It is regretted that at Athens the United Nations accepted that the Serb Party made a reservation to its signature of the peace plan under the representation of a non-existent republic and a so-called parliament. The caucus believes that the international community should not have witnessed the signature of such document.

6. The scope of the risks faced by the international community, should the conflict not be contained and brought to an immediate end, are of such importance and magnitude that alternative policy options must be explored in order to cope with the intolerable developments presently fostering a continuation of the hostilities, the humanitarian crisis and the commission of crimes of genocide and ethnic cleansing.

7. It was in this context that the caucus proposed the concept of guaranteed and protected safe areas which were regrettably not accepted at the time of the consideration of resolutions 819 (1993) and 824 (1993). The caucus reiterates that such guaranties and protection are indispensable. Without them, as has been proven by recent developments, such safe areas provide no help to their inhabitants but rather force them into helpless submission.

8. The caucus equally finds that both a lifting of the arms embargo and military action to eliminate heavy weapons continue to be, under the circumstances, options to deal with the crisis and to create conditions favourable to the viability of the peace plan. The caucus believes that UNPROFOR should be given a mandate and resources commensurate with the humanitarian responsibilities with which it has been entrusted, in particular, as regards unimpeded delivery of humanitarian assistance. The caucus equally insists that safe areas can and should be guaranteed and protected by UNPROFOR if, at all, any purpose is to be served by such a concept.

9. It has been argued by some that humanitarian assistance cannot be delivered through forceful action. The point has been reached in which the continued effort to negotiate humanitarian initiatives seriously impairs the stated goals of the international community. The caucus believes that actions, such as those indicated above, are necessary and appropriate in the present circumstances. Not to have used or threatened to use enforcement measures will inevitably lead to a much more substantial use of force in the future. The repeated statements that force would never be used undermined the plan itself from the beginning and encouraged the aggressors. We should have all learned the most important lesson in this conflict: that the international community will not be respected until it decides to take effective actions.

10. The objective behind the Security Council decision to deploy UNPROFOR in Bosnia and Herzegovina was to put an end to the mass killings, the practice of "ethnic cleansing" and the annihilation of a people. In spite of the fact that the Force was established under Chapter VII of the Charter, its functions have been narrowly interpreted and its focus limited to the provision of humanitarian assistance and that, too, based on the consent of the perpetrators of the aggression. This restrictive interpretation, coupled with the denial of the inherent right of Bosnia and Herzegovina to invoke Article 51 of the Charter, has encouraged the Serbs to continue with their aggression. The Croats are now drawing their own lessons from this policy as evidenced by their recent major offensive. Time is running out for the victims of the conflict in Bosnia and Herzegovina. Time is only on the side of the aggressors.

11. In view of these considerations, the members of the Security Council that are members of the Movement of Non-Aligned Countries strongly appeal to other Council members to consider immediately the adoption of the following measures:

(a) *New UNPROFOR mandate*: A new and effective mandate for UNPROFOR with a substantial increase in its strength to enable it to provide protection and security to the people of Bosnia and Herzegovina in addition to the provision of humanitarian assistance. In this connection, the following steps are necessary:

- (i) A redeployment of UNPROFOR to provide adequate and effective protection and security to Sarajevo, Tuzla, Gorazde, Srebrenica, Bihac and Zepa as safe areas;
- (ii) To oversee and monitor the withdrawal of all heavy weapons of all the parties from these areas;
- (iii) To authorize Member States to undertake all necessary measures against heavy weapons that are not removed from designated areas;
- (iv) To authorize Member States to undertake all necessary measures, including military air strikes, with a view to ensuring the safety and security of United Nations personnel and the population under its protection if attacked;

(b) *Right of self-defence*: Recognize the inherent right of self-defence of Bosnia and Herzegovina, as a sovereign State Member of the United Nations, under Article 51 of the Charter;

(c) *Possible extension of sanctions to Croatia*: Extend economic sanctions to Croatia if within a given time the Croats' offensive actions are not stopped, particularly in the city of Mostar.

12. The preceding measures are necessitated by the tragic situation of a people being ethnically cleansed and living under a most inhumane and barbaric siege in cities and in other small pockets. They are facing a slow process of genocide in open

jails like Srebrenica or ethnic cleansing like in the ghost town of Zepa. The caucus believes that the preceding recommended measures are to be strictly interim in nature and are predicated on the exceptional circumstances of the situation and not in order to perpetuate the gains of ethnic cleansing. The overall objective is and remains a complete reversal of the consequences of the Serbian aggression.

13. The conflict in Bosnia and Herzegovina is a test for the international community and, in particular, the Security Council. Bosnia and Herzegovina was admitted as a sovereign State Member of the United Nations on 22 May 1992. Since April 1992, Serbia had already embarked on a policy to carve out a Greater Serbia from the territory of former Yugoslavia. It is thus clear that this is not a civil war but rather is an international conflict in which a State enjoying international recognition has been subjected to external aggression.

14. On a larger perspective, the issue at hand is one of whether or not States Members of the United Nations can rely on the provisions of the Charter for collective security when their very existence is at risk. In this connection, a special responsibility devolves upon the major Powers, members of the Security Council, to respond effectively to the situation and in conformity with the special status granted to them by the Charter. Failure to do so would have far-reaching consequences for international peace and security. States will necessarily lose confidence in the ability of the Council to safeguard their security as mandated by the Charter. Powers with expansionist ambitions will be emboldened to use force in pursuance of their illegitimate aims. On the other hand, States that feel threatened will have to rely on their national capacity to defend themselves with all the negative implications that this will have on arms build-up.

15. Bosnia and Herzegovina has become a symbol of the resistance to the resurgence of the crime of genocide. Since the beginning of the conflict, there have been more than 100,000 deaths, millions of refugees, thousands of women raped and innumerable cases of torture and detention in the most inhumane conditions. No one can claim ignorance or lack of knowledge of these facts.

16. Today's tragedy of the Bosnian people could become the tragedy of the world tomorrow. The moment has arrived for the Security Council to admit this reality, which the whole world has understood for a long time.

DOCUMENT S/25783

Letter dated 13 May 1993 from the representative of the Islamic Republic of Iran to the Secretary-General

[Original: English]
[14 May 1993]

Upon instructions from my Government and with reference to the letter dated 19 February 1993, from the representative of Yugoslavia (Serbia and Montenegro) [S/25318], I have the honour to inform that the Islamic Republic of Iran categorically rejects the allegations contained in the

aforementioned letter concerning the violations of Security Council resolutions 713 (1991) and 724 (1991) and the dispatch of a military delegation to Bosnia and Herzegovina.

It would be highly appreciated if this letter is circulated as a document of the Security Council.

(Signed) Kamal KHARRAZI
Permanent Representative of the Islamic Republic
of Iran to the United Nations

DOCUMENT S/25784

Report of the Secretary-General in pursuance of paragraph 6 of Security Council resolution 810 (1993)

[Original: English]
[15 May 1993]

1. The Security Council, by paragraph 6 of its resolution 810 (1993) of 8 March 1993, called on the United Nations Transitional Authority in Cambodia (UNTAC) to continue to make every effort to create and maintain a neutral political environment conducive to the holding of free and fair elections. It also requested me to inform the Council by 15 May 1993 of the conditions and preparations for the election. The present report is submitted in response to that request.

2. I have previously reported to the Security Council on the activities of UNTAC in a series of progress reports and special reports, most recently in the fourth progress report [S/25719], of 3 May 1993. The present report should be read in conjunction with those reports.

3. As the election to be held from 23 to 28 May approaches, the overwhelming majority of the voters in Cambodia, as well as political parties and factions, have made manifest their commitment to the election as the culmination of the peace process. As reported earlier, more than 4.7 million Cambodians, or some 96 per cent of the estimated voters, have registered to vote. At a meeting called on 6 May at Beijing by His Royal Highness Prince Norodom Sihanouk, three of the four factions - Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC), Khmer People's National Liberation Front (KPNLF) and the Party of the State of Cambodia (SOC) - reaffirmed their support for the election, a commitment that was reiterated by them at a working session of the Supreme National Council (SNC) on 10 May. At the latter meeting, Mr. Son Sann, the leader of KPNLF/Buddhist Liberal Democratic Party (BLDP) (BLDP is a political party of KPNLF) proposed the suspension of the electoral process and postponement of the election, but the SNC did not pursue the proposal and BLDP has continued to campaign.

4. Since the official start of the electoral campaign on 7 April, the 20 political parties registered to contest the election have campaigned actively and vigorously. Scores of political meetings and rallies have been held daily and peacefully with the participation of tens of thousands of people in virtually all

parts of Cambodia. Although FUNCINPEC and the BLDP have complained that SOC has sought to prevent their supporters from attending their meetings, in UNTAC's view, neither such attempts nor political attacks and intimidation to which they have been subjected have prevented these parties from conducting an active campaign. UNTAC itself has also organized multi-party meetings.

5. Technical preparations for the election have been virtually completed. Some 900 International Polling Station Officers recruited from 44 countries and the Inter-Parliamentary Union have arrived to take part in a three-day training course being held from 13 to 15 May in Thailand. They will be joined by 130 from the Secretariat as well as about 370 detailed from within UNTAC and will arrive at their duty stations in Cambodia by 18 May. Their duties, and the polling process in general, are described in section D of my fourth progress report [*ibid.*].

6. At the meeting of the Supreme National Council held on 21 April 1993, my Special Representative expressed the view that the freeness and fairness of the election would be judged in accordance with three main criteria: the extent to which the campaign and voting are marred by violence, intimidation and harassment; the extent to which SOC, which controls the largest zones and has the most extensive administrative structure, enjoys unfair advantages, whether by using its administrative apparatus for its own political ends or by denying other political parties access to the public media; and the technical conduct of the poll. While these are addressed in the present report, the final assessment will be made after the election.

7. The measures taken by UNTAC to control the existing administrative structures have been described in detail in my previous reports. UNTAC's more recent efforts to promulgate a code of conduct for military and police personnel and civil servants and to prevent the Cambodian People's Party (CPP) from using the resources and staff of the administrative apparatus for electoral purposes have also been described. UNTAC has vigorously raised the issue of the separation of party and State several times both in public and in private meetings with the leading figures of the Phnom Penh authorities. My Special Representative recently announced that an officer of the Cambodian People's Armed Force (CPAF) and a district chief of the CPP had been removed from the register of voters for improper conduct in violation of the Electoral Law.

8. UNTAC has taken particular issue with the Phnom Penh authorities over the access of other political parties to the media and their right to freedom of movement. As a result of strong intervention by UNTAC, FUNCINPEC was able to obtain the release from SOC of the television broadcasting equipment it had imported for campaign purposes. All political parties have had access to UNTAC information media, and three parties - FUNCINPEC, BLDP and the Neutral Democratic Party of Cambodia - have requested and been granted assistance from UNTAC with air transport facilities for campaign purposes.

9. Radio UNTAC now broadcasts 15 hours a day. This has enabled it to intensify a message central to UNTAC's electoral education campaign, namely, that all votes are secret. The leaders of all three factions participating in the election have agreed to my Special Representative's proposal to appear with him on television to reassure voters about the secrecy of the ballot. UNTAC is satisfied that its electoral procedures fully protect the secrecy of the ballot, and that this message has been conveyed to Cambodian voters.

10. It is evident that incidents of violence can have a disruptive effect on even a carefully prepared election especially through their destabilizing psychological effects. Following the killing of a United Nations Volunteer serving as a District Electoral Supervisor and his interpreter in Kompong Thom Province on 8 April, some 60 United Nations Volunteers have withdrawn from their posts. Since document S/25669, in which I reported on a number of incidents of attacks against UNTAC personnel, and my fourth progress report [*ibid.*] were issued, the security situation in Cambodia has been marked by further acts of violence. While it is not possible to classify all acts of violence or to determine who was responsible, there are essentially four categories of violence: (a) killings of Cambodians, including those of Vietnamese ancestry, by the forces of PDK [*Party of Democratic Kampuchea*], the National Army of Democratic Kampuchea (NADK), in an effort both to disrupt the election and, evidently, to pressure those of Vietnamese ancestry to leave Cambodia; (b) attacks and harassment by SOC elements aimed at intimidating other political parties, primarily FUNCINPEC; (c) attacks on UNTAC personnel; and (d) random violence associated with banditry and lawlessness.

11. Since the beginning of April, despite initial indications of a relative decline in violence during that month, UNTAC investigations have confirmed that 110 Cambodians, including those of Vietnamese descent, have died as victims of violence and a further 179 have been injured. A large number of these casualties have resulted from attacks on civilians and on SOC by NADK and by unidentified groups, and attacks on other political parties by SOC and unidentified groups. UNTAC will publish shortly the results of all its investigations into serious acts of violence, harassment and intimidation since 1 March 1993.

12. I regret to report that further attacks against UNTAC personnel have occurred since the issuance of the fourth progress report on UNTAC. On 4 May 1993, an UNTAC convoy was ambushed by an unidentified armed group in Banteay Meanchey Province. In the evening of the same day, NADK elements attacked the Chinese Engineering Company and the Polish Logistics Company in Kompong Thom Province with rockets and small arms fire. In the early hours of 7 May 1993 a group of unidentified armed men attacked the UNTAC office in Thpong district in Kompong Speu Province with mortars, rockets and small arms fire. On 8 May 1993, a Pakistani Company came under fire at Choam Khsan in Preah Vihear Province by NADK elements. On 11 May, two unidentified men threw two hand grenades towards a car driven by a Civilian Police officer in Sisophon.

13. In these incidents, two UNTAC personnel died and 17 others were wounded, several of them seriously. Since the inception of UNTAC, 13 UNTAC civilian and military personnel have lost their lives and 52 have been wounded as a result of hostile action; 39 have died from other causes.

14. In the light of PDK's repeatedly expressed intention to oppose the election, including by violent means, as well as in response to the incidents described above, UNTAC has further refined and elaborated its security plans. Thus, no polling will be conducted in the areas controlled by PDK, to which UNTAC has not been permitted access, as well as some remote areas in which NADK have been operating. These areas, mainly located in Siem Reap and Kompong Thom provinces, are thinly populated. Other parts of the country have been designated as high-, medium- and low-risk zones, with low-risk zones predominating in the heavily populated south and east of the country, including the capital, Phnom Penh. The status of every district in the country is being reviewed on a daily basis by sector commanders of the Military Component, who have overall responsibility for all UNTAC personnel in the sector, and electoral officials on the basis of the latest security information; this daily review will continue during the election itself.

15. Different levels of security measures have been established for each level of risk involving fixed guards, mobile patrols and general area security in accordance with the security arrangements described in the fourth progress report [*ibid. para. 37*]. In high-risk zones, armed UNTAC military personnel will be stationed at and around polling stations. Physical fortifications have been strengthened and staff will be issued protective gear. Quick Reaction Forces and medical support units have also been identified for the high-risk sites.

16. In response to the heightened threat in Kompong Thom Province, UNTAC civilian personnel have been withdrawn from some locations and the number of polling sites has been reduced from 102 to 51. Civilian staff, including Civilian Police monitors, can now seek direct protection from the Indonesian Battalion of the Military Component in the towns of Kompong Thom, Stung and Baray. In Siem Reap Province, personnel of all components can now be accommodated with military units every evening. Similar arrangements can be made in other provinces if necessary.

17. The first, precautionary stage of the five-stage Mission Security Plan, has now been declared for the entire country. Movement in the provinces is now subject to authorization and monitoring by sector commanders of the UNTAC Military Component and, where possible, takes place in convoys.

18. In order further to strengthen security during the election, urgent consultations have been held in recent days with a number of Governments on the provision of additional equipment for UNTAC. In this connection, I would like to express my appreciation to the Governments of Australia, Japan, Malaysia, Namibia and the United States of America for the additional material assistance and voluntary financial contributions they have provided. Discussions are continuing

with a number of other Governments. Meanwhile, essential items for enhanced security have been shipped to the mission.

19. While evidently there can be no guarantee of total safety, all possible steps have been taken to ensure the maximum security that are consistent with UNTAC's character as a peace-keeping operation and with the need to attract the highest possible voter turnout. None the less, it bears repeating that it is on the Cambodian parties that the primary responsibility rests for the maintenance of security in the zones they control. In this connection, the three Cambodian factions supporting the election have recently requested that UNTAC return to them the weapons they deposited with it in implementation of the second phase of the cease-fire in accordance with the Paris agreements. In view of its implications, especially regarding the security situation, I am giving this request urgent and close consideration.

20. It is now evident that, despite the demonstrated interest of the Cambodian people to determine their future at the polls, and the meticulous preparations by UNTAC for the election, the conditions for the election are not those anticipated in the Paris Agreements. This results from the unfortunate attitude of PDK, which, having progressively withdrawn from the peace process starting with the military provisions, has now moved from boycotting the election to attempts to actively disrupt it through violence. Such actions constitute a clear breach of solemn commitments. I am certain that the members of the Security Council share my determination not to allow these actions to deny Cambodians this opportunity, carefully nurtured by the international community, to secure peace through the democratic process.

21. It is regrettable that SOC also has contributed, although to a lesser extent, towards the climate of violence by resorting to intimidation of other political parties. Further, it has not responded satisfactorily to UNTAC's efforts to prevent the use of its administrative structure for political purposes.

22. It therefore must be borne in mind that the approaching election in Cambodia is likely to be affected by continuing violence, although UNTAC will continue to do its utmost in providing security measures. Unfortunately, this is a feature in many other countries even when elections are held in far more favourable conditions, rather than in the wake of a prolonged and bitter conflict that has left a legacy of tensions and deep distrust as is the case in Cambodia. As noted in paragraph 140 of my fourth progress report, it would be unrealistic to hold Cambodia to standards valid in countries that enjoy stability or established democratic traditions. UNTAC, therefore, will be conducting the most impartial election that is possible in conditions that are not susceptible to its full control. It would be ingenuous to expect that a postponement would bring improved conditions - the contrary is more probable.

23. It is appropriate to recall that His Royal Highness Prince Norodom Sihanouk, who has guided his country through far more difficult times, has supported the election, and recently has encouraged his compatriots to participate in this singular opportunity. This lends further credibility to the electoral process. I remain convinced that he has a crucial role

to play at this critical juncture in fostering national reconciliation and promoting stability in the post-election period.

24. It is clear to me that it is the will and intent of the Security Council as well as of the vast majority of the Cambodian people that the election be held as scheduled. With this and all the preceding considerations in view, I have directed that this should be done.

DOCUMENT S/25785

Letter dated 14 May 1993 from the representative of Azerbaijan to the President of the Security Council

[Original: English]
[17 May 1993]

I have the honour to transmit herewith the text of a statement issued by the Ministry of Foreign Affairs of Azerbaijan, on 12 May 1993.

I should be grateful if you would have this statement circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations

TEXT OF THE STATEMENT

[Original: Russian]

There have been recent signs of positive developments towards a peaceful settlement of the Armenian-Azerbaijani conflict. These developments were connected primarily with the adoption, on 30 April 1993, of Security Council resolution 822 (1993) and with the trilateral initiative by the United States of America, Turkey and the Russian Federation.

Setting high store by these efforts, the Azerbaijani Republic hoped that its consistent position in support of a political solution of the conflict, together with the peacemaking efforts by various concerned States, would lead the Republic of Armenia to concede the futility of its efforts to resolve the Karabakh problem by force and to realize the extreme unpopularity of the idea of redrawing the present frontiers, in violation of the principles of territorial integrity and respect for the sovereignty of States. Recent events, however, give reason to doubt whether the Republic of Armenia is ready to implement Security Council resolution 822 (1993) and bear out the apprehension of the Azerbaijani side concerning Armenia's resumption of the tactics of procrastination and delaying the implementation of any peaceful decisions and initiatives which stand in the way of its policy of annexing the territory of a neighbouring State.

Evidence of this is provided by Armenia's latest aggression against the Nakhichevan Autonomous Republic and other frontier districts of Azerbaijan. Thus, on the night of 10 May 1993, the district centre Sharur and the villages Sarkhanly,

Ashagi Aralik, Ashagi Yaichy, Dizya, Garkhun, Mamed Sabir, Oglan Gala and Dudunka in the Sharur district of the Nakhichevan Autonomous Republic of Azerbaijan were subjected to massed shelling by Grad artillery systems, tanks and heavy artillery from the direction of the Khachik military base in the Ekhegnadzor district of Armenia. There has been extensive destruction and loss of life in a number of these villages. Operating from the direction of the Taush district, the armed forces of Armenia have once again subjected the village of Agdam in the Tauz district of Azerbaijan to tank and heavy machine-gun bombardment. The villages of Kemerly and Gaimagly in the Kazakh district have been subjected to shelling by Grad artillery systems. On the night of 11 May, the district centre of Sadarak in the Nakhichevan Autonomous Republic was shelled from the direction of the Ararat district of Armenia.

The aggression by the Republic of Armenia against the Nakhichevan Autonomous Republic of Azerbaijan, which is situated dozens of kilometres from Karabakh and has suffered from a prolonged and extremely harsh blockade as a consequence of the destruction by Armenian armed formations of the 32-kilometre-long Megri section of the railway line which passes through the territory of Armenia and provides the only transport link between the Nakhichevan Autonomous Republic and Azerbaijan, has demonstrated, yet again, the mendacity of Armenian propaganda about its non-involvement in the conflict. This aggression has convincingly proved that territorial expansionism, elevated in Armenia to the level of State policy, forms the basis of this conflict.

This inevitably leads to the conclusion that Armenia's aggression against the Nakhichevan Autonomous Republic and other frontier districts of Azerbaijan is nothing more or less than the determination of the Erevan authorities yet again to sabotage the negotiating process towards a peaceful settlement of the Armenian-Azerbaijani conflict.

The Ministry of Foreign Affairs of the Azerbaijani Republic considers the aggression of the Republic of Armenia against the Nakhichevan Autonomous Republic of Azerbaijan and its frontier districts as the refusal of the Republic of Armenia to comply with Security Council resolution 822 (1993) and its unwillingness to meet the joint initiative by the United States of America, Turkey and the Russian Federation.

Baku, 12 May 1993

DOCUMENT S/25787*

Letter dated 17 May 1993 from the representative of Yugoslavia to the Secretary-General

[Original: English]
[17 May 1993]

I have the honour to transmit herewith the declaration on the peace plan for former Bosnia and Herzegovina, adopted on 14 May 1993 by the deputies in the Assembly of the Federal

Republic of Yugoslavia and the Assemblies of the Republic of Serbia and the Republic of Montenegro.

I should be grateful if you would have the present letter and the declaration circulated as a document of the General Assembly and of the Security Council.

(Signed) Dragomir DJOKIC
Chargé d'affaires a.i.
of the Permanent Mission of Yugoslavia
to the United Nations

TEXT OF THE DECLARATION

Proceeding from the lasting option for peace and the readiness to solve all outstanding issues through negotiations and agreements,

Confident that the issue of the peace plan is of utmost importance, not only for the Serb people in former Bosnia and Herzegovina, but also for Serbia, Montenegro, Krajina and the entire Serb people,

In view of the fact that the decision on the peace plan is also the decision on the interests of citizens of the Federal Republic of Yugoslavia and the Serb people as a whole,

Being obliged to express the political will of the citizens we represent gathered at the Joint Session of Peoples' Deputies in the Assemblies of the Federal Republic of Yugoslavia, the Republic of Serbia and the Republic of Montenegro,

We adopt the following declaration:

We particularly appreciate the fact that during the negotiations, by subsequent modifications and clarifications, the plan provides mechanisms for the protection and safety of the Serb people outside the Serb provinces, including local police, which must reflect local national structure, as well as its influence on the choice of countries which will contribute to the United Nations peace-keeping force.

We believe that, on the basis of the existing mechanisms in the peace plan, through further direct negotiations and through direct decision-making by the population in the territories under dispute, it is possible to ensure the realization of legitimate aspirations for the fair corrections of the provincial maps, which will enable, with due respect for the real state of affairs and ethnic structure, territorial links between the Serb provinces.

We particularly support the request that parts in which genocide was committed against the Serb population in past wars and which are inseparable parts of the conscience and traditions of the Serb people be included in the Serb provinces.

We express our regret that the Assembly of the Serbian Republic did not take into account the position of the Federal Republic of Yugoslavia concerning the peace plan, in disregard for vital interests of the peoples of Serbia and Montenegro.

* Circulated under the double symbol A/48/169-S/25787.

We consider that the decision on the referendum of the Serb people in Bosnia and Herzegovina is untimely and unthoughtful. A referendum in the conditions of ongoing civil war in Bosnia and Herzegovina cannot be an expression of will by all citizens in these territories and, therefore, cannot reflect the genuine interests of the Serb people. Ever more so since the determination of the Serb people in Bosnia and Herzegovina was and still remains that the equality of members of all nations living there is to be guaranteed. The right to take a decision on such a crucial issue as the issue of peace, whose consequences are the concern of all, not only of a smaller part of the Serb people, cannot be claimed by any one.

Deeply concerned about further possible escalation of the conflict, war devastation and loss of human lives, we call upon the Serb people in Bosnia and Herzegovina to opt for the acceptance of the peace plan and to struggle further for its national and State emancipation through negotiations, using the political rights and means contained in the peace plan for Bosnia and Herzegovina.

Citizens of the Serbian Republic,

Acceptance of the peace plan does not mean abandoning the realization of vital national and State interests and rights of the Serb people. But a decision that is to be made on peace and the interests and rights of the Serb people, on the basis of the proposed plan in this historical stage, can be realized more successfully through negotiations in conditions of peace.

We believe that you are aware of our brotherly solidarity and of our great sacrifices. Even now we are on your side, since peace is the vital interest of the Serb people in Bosnia and Herzegovina, Serbia and Montenegro and of the entire Serb and Montenegrin peoples. It is only in peace that vital and historical interests can be realized. Now, when peace is in prospect and the essential goals of your struggle have been achieved, we cannot understand that you endanger the interests of the Federal Republic of Yugoslavia and the entire Serb people by rejecting the peace plan.

The goals of the struggle to achieve these vital interests are not in question even today, but the option to continue this struggle in peace, to preserve freedom, equality and all that has been achieved, primarily to preserve the people. If at this moment the name of peace is the peace plan offered under the auspices of the international community, then peace should be chosen and the offered peace plan accepted. Such an option is an expression of the unified interests of the Serb and Montenegrin peoples, and, therefore, the peoples' deputies and all citizens of the Serbian Republic should take such a decision.

DOCUMENT S/25788

Letter dated 17 May 1993 from the representative of Iraq to the Secretary-General

*[Original: Arabic]
[18 May 1993]*

On instructions from my Government, and further to my letters, the most recent of which was No. 1/6/160 of 12 May

1993, I have the honour to inform you that Iranian armed forces have again shelled Iraqi territory in the north of Iraq. On the morning of 14 May 1993, Iranian artillery shelled the areas of Sar Qizil, Kalaw, Dustak and Shurladra slope. This fresh hostility resulted in the burning of large areas of farmland and the destruction of a number of properties belonging to Iraqi citizens in the said area.

The Government of the Republic of Iraq strongly protests against these fresh acts of Iranian aggression against Iraq, which constitute a flagrant violation of Iraq's sovereignty, and blatant interference in its internal affairs. It also condemns the persistence of the Iranian regime in violating Security Council resolution 598 (1988).

The Government of the Republic of Iraq therefore requests you to intervene to prevent the Iranian side from repeating such acts of aggression, which are contrary to international law and the Charter of the United Nations. It reserves its full right to respond by using any means appropriate to maintain the rights and legitimate interests of Iraq.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations*

DOCUMENT S/25790

Letter dated 17 May 1993 from the representative of Kuwait to the President of the Security Council

*[Original: Arabic]
[18 May 1993]*

On instructions from my Government, I have the honour to inform you of the latest developments regarding the continued failure of Iraq to comply with the Security Council resolutions, and in particular resolution 687 (1991) since the latest review by the Council on 29 March 1993 of the sanctions regime for Iraq. This constitutes an open challenge to the resolutions of the Council and a determination to challenge the will of the international community. The nature and character of Iraq's implementation of its obligations under the relevant resolutions of the Council have not themselves changed with its professed claim to be implementing the resolutions of the Council in order to have the embargo lifted without fully assuming its fundamental responsibilities towards the substance, spirit and letter of those resolutions. The following Iraqi practices demonstrate Iraq's failure to comply with the resolutions of the Council.

1. United Nations Iraq-Kuwait Boundary Demarcation Commission

Despite the provisions of paragraphs 2, 3 and 4 of Security Council resolution 687 (1991) demanding that Iraq and Kuwait respect the inviolability of the international boundary between them, and despite the fact that the United Nations Iraq-Kuwait

Boundary Demarcation Commission expects to complete all its work and the tasks entrusted to it pursuant to Security Council resolution 687 (1991) on 20 May 1993. Iraq still persists in rejecting the reports and decisions of the Commission and in refusing to participate in its meetings, the latest of which was held at Geneva from 3 to 7 May 1993. Such rejection and refusal are clear proof of its failure to comply with resolution 687 (1991); failure to comply was also demonstrated on numerous previous occasions by the following acts:

(a) Iraq's rejection of the decisions of the Commission regarding the demarcation of the land boundary;

(b) Iraq's failure to participate in the four meetings preceding the above-mentioned meeting of the Boundary Demarcation Commission;

(c) Iraq's continued refusal to accept Security Council resolution 773 (1992), in which the Security Council welcomed the decisions of the Boundary Demarcation Commission on the demarcation of the land boundary and requested Kuwait and Iraq to respect the international boundary between their two countries;

(d) Iraq's carrying out of prohibited operations of infiltration inside Kuwaiti territory, which made it necessary for the Security Council to adopt resolution 806 (1993) in order to strengthen the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the demilitarized zone between the two countries.

II. Iraqi assertions of Kuwait's dependence

Aware of the importance of not ignoring or remaining silent over such Iraqi assertions, we addressed to the President of the Security Council two letters, which were issued as documents S/25384 and S/25465 on 9 and 23 March 1993 respectively. In those letters, we drew attention to the gravity of these assertions for the security and stability of the region in view of the fact that they represented a continuation of the hostile Iraqi policy towards Kuwait. Iraqi indifference to Security Council resolutions and to appeals by members of the Council to Iraq to refrain from such assertions at each periodic review of the sanctions regime constitutes an open challenge to the substance of those resolutions, which is the need for Iraq to respect the sovereignty and independence of Kuwait, as well as its territorial integrity and international legitimacy.

We should like to draw your attention and that of the Security Council to some of the Iraqi assertions that have been made since the previous review and up to the time of drafting of this letter:

1. On 28 March 1993, the magazine *Babil*, whose editorial board is chaired by Udayy Saddam Hussein, son of the Iraqi President, published a news item under the heading "Air Manoeuvres in the Governorate of Kuwait", in which, as is its habit in reporting on Kuwaiti affairs, it used expressions designed to show that Kuwait is still a part of Iraq. For example, the article refers to the State of Kuwait as "the

Governorate of Kuwait" and it refers to the official Kuwaiti News Agency as the local news agency of the Governorate.

2. Similar appellations demonstrating the intentions and attitude of Iraq towards Kuwait were contained in news items on Kuwait published by the magazine *Babil* on 4 and 27 April 1993.

3. On 17 April 1993, the magazine *Babil* printed the following page-one banner headline on the anniversary of the liberation of "Iraqi" Fao: "Fao - Kuwait - Permanent Liberation, God Willing".

4. In addition to the magazine *Babil*, all the other Iraqi newspapers without exception, as well as the official broadcast media intentionally use the description "the Kuwait region" whenever it is necessary to mention Kuwait, a clear sign that the Government of the Iraqi regime still insists on its claims that Kuwait is a part of Iraq.

III. Kuwaiti and other third-country prisoners and missing persons

With regard to this purely humanitarian question, despite the fact that two years have passed since the adoption of resolution 687 (1991) and despite the official agreement of Iraq to the said resolution, no progress whatsoever has been made on this item for the following reasons:

1. Iraq has not yet fulfilled its obligations pursuant to paragraph 30 of that resolution requesting Iraq to extend all necessary cooperation to the International Committee of the Red Cross, providing lists of Kuwaiti and third-State nationals, facilitating the access of the International Committee of the Red Cross to all such persons wherever located or detained and facilitating the search by the International Committee for such persons.

2. Two months after receiving the files of 627 persons from the International Committee of the Red Cross, Iraq had still not responded, contrary to its former practice of responding to any file within 10 days of receiving it.

3. Outside the Security Council mechanism for dealing with this question, Iraq is still delaying its reply regarding its reception of the emissary of the Secretary-General of the League of Arab States, Mr. Rashid Idris, on a proposed visit to Iraq to offer his good offices as an intermediary for the release of prisoners and detainees.

4. In an attempt to confuse matters, Iraq claims that its return on 9 May of a Kuwaiti family of 6 who had lost their way in the demilitarized zone shows that Iraq has returned or is no longer retaining any Kuwaiti or third country prisoners or detainees. Iraq has neglected to mention that it is still detaining a number of third country nationals who lost their way or were taken forcibly while in the demilitarized zone, including two Pakistani nationals. Iraq has also neglected to mention that such cases are dealt with by the Kuwaiti side in a manner which bears no relationship to prisoners or detainees, such as was the case when Kuwait, on 5 May, returned seven Iraqi children spotted the previous day by a Kuwaiti patrol on the

Kuwaiti side of the demilitarized zone between Umm Qasr and Safwan.

IV. *Return of stolen property from the State and private sectors*

Despite the apparent cooperation of Iraq on this matter, it should be borne in mind that what is returned by Iraq in compliance with Security Council resolutions 686 (1991) and 687 (1991) constitutes a deficient implementation of those resolutions for the following reasons:

1. Most of the equipment handed over by Iraq is intentionally sabotaged or destroyed even only hours before it is handed over, which makes it valueless and unfit for reuse.

2. The Iraqi authorities still insist that they are not responsible for the return of property stolen from the private sector, valued at hundreds of millions of dollars, some of which was burnt or removed to Iraq in accordance with inventories issued by Iraqi Ministry and signed and sealed by specialized Government agencies which came to Kuwait to supervise the theft and removal. We have some originals and photocopies of those documents which were left behind by the Iraqi regime after its expulsion.

3. Iraq does not abide by the lists agreed upon with the United Nations Coordinator for the return of property from Iraq to Kuwait, but constantly endeavours to delay or hinder the hand-overs, thus giving rise to additional costs and administrative measures for Kuwait.

V. *Compensation fund*

Iraq has not carried out its obligations with respect to the compensation stipulated by section E of resolution 687 (1991) and the operation of the compensation fund in the manner stipulated by paragraph 19 of that resolution by disclosing its gold and foreign currency assets. It has persisted in refusing to implement resolutions 706 (1991) and 712 (1991), a violation which implies a double catastrophe since it harms both Iraqis and non-Iraqis. This too is a humanitarian question of great importance for which Iraq should be held fully responsible.

VI. *Weapons of mass destruction*

Iraq's cooperation with the Special Commission and the International Atomic Energy Agency has not been satisfactory, since despite its claims of providing information on its programmes to develop nuclear, chemical and other biological weapons, and of cooperating with the inspection teams, Iraq regularly hinders the freedom of movement of the Special Commission and has, as you know, on a number of occasions, threatened individuals working for the Commission. Furthermore, Iraq continues to reject resolutions 707 (1991) and 715 (1991) on the long-term monitoring of the weapons of mass destruction in its possession and the disclosure of the names of the companies that exported materials and equipment to Iraq for the manufacture of such weapons.

The matters noted above provide true indications that Iraq is maintaining its policy of challenging Security Council resolutions. Since the principal objective of these resolutions is to ensure the complete respect for the independence, sovereignty and integrity of Kuwait, the international community is bound to take the appropriate measures to ensure the compliance of Iraq with the spirit and letter of the relevant Security Council resolutions. It should not remain content to focus on dealing with questions and matters arising from the invasion of Kuwait by Iraq, since if the still extant reasons for the invasion, which are the continued claims that Kuwait is a part of Iraq, are not dealt with, the matter will not be settled. Iraqi intentions still threaten the peace and security of the region.

I should be grateful if you would have this letter and its annex* circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative of Kuwait
to the United Nations

DOCUMENT S/25791

Letter dated 18 May 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[18 May 1993]

I have the honour to submit to you the attached letter, dated 14 May 1993, from my President to you.

May I ask for your kind assistance in circulating the letters as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations

LETTER DATED 14 MAY 1993 FROM THE PRESIDENT OF THE PRESIDENCY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA TO THE PRESIDENT OF THE SECURITY COUNCIL

In view of the current debate regarding the potential safety of the United Nations-mandated personnel stationed in the Republic of Bosnia and Herzegovina under circumstances where the arms embargo would be voided with respect to the defence forces of our Republic and/or where more resolute military action would be undertaken to confront the aggressor, we wish to issue to the Security Council, the Secretariat and participating Member States the following request.

We believe that the current mandate of the United Nations forces in our Republic is inadequate. Despite the courage and commitment of those military and relief personnel, the situation continues to deteriorate and shows no promise of

* The annex is not reproduced in the present Supplement.

resolution without a clear change in the international community's response. The help and relief provided by these personnel is appreciated and has been certainly helpful, but we must be prepared, if necessary, to sacrifice temporary remedies in order to achieve permanent solutions by addressing the cause of our difficult situation.

If any of the more resolute actions now being contemplated by the international community are deemed by those concerned to pose an unacceptable risk to United Nations-mandated personnel and their current mission, then the Republic of Bosnia and Herzegovina unequivocally asks that such mission/mandate be appropriately modified and that such United Nations-mandated personnel take precautionary measures and, if necessary, withdraw.

*(Signed) Alija IZETBEGOVIĆ
President of the Presidency
Republic of Bosnia and Herzegovina*

DOCUMENT S/25793*

Note by the Secretary-General on the application of Eritrea for admission to membership in the United Nations

*[Original: English]
[18 May 1993]*

In accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council, the Secretary-General has the honour to circulate herewith the application of Eritrea for admission to membership in the United Nations, contained in a letter from the Secretary-General of the Provisional Government of Eritrea received by the Secretary-General on 12 May 1993.

LETTER FROM THE SECRETARY-GENERAL OF THE PROVISIONAL GOVERNMENT OF ERITREA RECEIVED BY THE SECRETARY-GENERAL OF THE UNITED NATIONS ON 12 MAY 1993

As you are aware, the Eritrean referendum on independence held from 23 to 25 April 1993 resulted in a resounding "yes" to independence by 99.8 per cent of the voters in a turnout of 98.5 per cent. You also know that this referendum was observed by the United Nations, the Organization of African Unity, the League of Arab States, the Movement of Non-Aligned Countries and a host of other international as well as national bodies, all of which have witnessed its freeness and fairness. On the basis of this outcome in favour of independence, announced by the head of the independent Referendum Commission on 27 April 1993, the Provisional Government of Eritrea declared Eritrea to be an independent and sovereign State on the same day. Several countries have already recognized the independent Eritrean State.

We believe that the peaceful and democratic resolution of the Eritrean case through the referendum will not only consolidate peace and stability, but also greatly contribute to cooperation and progress in our subregion and thus our continent. In the two years of its free existence, Eritrea has indeed demonstrated its commitment to peace, stability and cooperation by engaging actively in contributing to the peaceful resolution of conflicts in the Horn of Africa.

Eritrea accepts the obligations under the Charter of the United Nations and is prepared to carry out these obligations, and, on the basis of the Articles of the Charter of the United Nations concerning admission, which I believe Eritrea fulfils, I should like, on behalf of the State of Eritrea, to apply for the country's full and immediate membership to the United Nations, the world community of States.

*(Signed) Issaias AFEWERKI
Secretary-General
Provisional Government of Eritrea*

DOCUMENT S/25794

Letter dated 18 May 1993 from the representative of Singapore to the Secretary-General

*[Original: English]
[18 May 1993]*

On behalf of the Permanent Representatives to the United Nations of the States Members of the Association of South-East Asian Nations (ASEAN), I have the honour to transmit to you herewith the text of a statement issued by the Foreign Ministers of ASEAN on the elections in Cambodia.

I should be grateful if you could arrange to have the statement circulated as a document of the Security Council.

*(Signed) CHEW Tai Soo
Permanent Representative of Singapore
to the United Nations*

STATEMENT BY ASEAN FOREIGN MINISTERS ON THE ELECTIONS IN CAMBODIA

1. We, the Foreign Ministers of the Association of South-East Asian Nations (ASEAN), note with deep concern the attempts to disrupt the forthcoming elections in Cambodia.
2. We hold firmly that the elections should proceed as scheduled under the Paris agreements.
3. We call on all the Cambodian parties to live up to the spirit of national reconciliation for the sake of Cambodia's sovereignty, independence, territorial integrity and inviolability, neutrality and national unity. We again urge them to comply fully with all their obligations under the Paris agreements. We regret that the Party of Democratic Kampuchea (Khmer Rouge) has chosen not to participate in the forthcoming elections.

* Circulated under the double symbol A/47/948-S/25793.

4. We also call on all Cambodian parties to respect the result of the forthcoming elections as declared by the United Nations. We are ready to support fully the Constituent Assembly, the drafting of a Constitution and the formation of a new Government, resulting from the elections in Cambodia.

5. We reiterate our full support for His Royal Highness Samdech Norodom Sihanouk, Head of State and President of the Supreme National Council of Cambodia, and for his pivotal role in achieving peace and national reconciliation in the period prior to, during and after the elections.

6. We deplore the acts of violence against the personnel of UNTAC [United Nations Transitional Authority in Cambodia]. We call for the further strengthening of security measures for all UNTAC personnel, including the International Polling Station Officers, electoral officials and United Nations Volunteers. We further reaffirm our support for UNTAC and emphasize the need for all States Members of the United Nations contributing personnel to UNTAC to maintain their personnel in Cambodia as planned.

DOCUMENT S/25795*

Letter dated 18 May 1993 from the representative of Turkey to the Secretary-General

[Original: English]
[18 May 1993]

I have the honour to transmit herewith the letter addressed to you on 17 May 1993 by Mr. Osman Ertuğ, representative of the Turkish Republic of Northern Cyprus.

I should be grateful if the text of the present letter and its annex would be circulated as a document of the General Assembly and of the Security Council.

(Signed) Inal BATU
Permanent Representative of Turkey
to the United Nations

ANNEX

Letter dated 17 May 1993 from Mr. Osman Ertuğ to the Secretary-General

I have the honour to refer to a recent letter circulated by the Greek Cypriot representative [S/25740], which was in response to a previous letter I had addressed to you on 4 May 1993 [S/25725, annex].

This letter, both with its aggressive tone and hostile content, has taken the anti-Turkish propaganda of the Greek Cypriot side to new lows. While this unfortunate letter does not merit a detailed reply, I would like to put on record our utter indignation at the attitude displayed by the Greek Cypriot representative through this letter and to point out its wider implications for the process of negotiations on the eve of New York talks.

Attempting to deny the Turkish Cypriot side the most natural right to respond to allegations which are of direct concern for us can

only be the product of a mentality which cannot tolerate even the existence of the Turkish Cypriots. The Greek Cypriot representative cannot hide his side's underlying resentment towards their Turkish Cypriot counterparts by claiming that in his statement in the Special Committee on Peace-keeping Operations "... no references whatsoever were made to the Turkish Cypriot community". Ignoring or trying to bypass the Turkish Cypriots as their direct counterpart in the Cyprus dispute does not absolve the Greek Cypriots of wrongdoing; on the contrary, it adds insult to injury by revealing how little respect they have for the Turkish Cypriots and how unprepared they are to establish a federation with us.

At a time when an atmosphere conducive to meaningful negotiations is needed most, this new manifestation of ill will on the part of the Greek Cypriot side leaves us to wonder whether the Greek Cypriot side will ever have the desire to settle the issue with us on the basis of a bi-communal, bi-zonal federation, or whether they are merely wasting the time of the international community.

I should be grateful if the present letter would be circulated as a document of the General Assembly and of the Security Council.

(Signed) Osman ERTUĞ
Representative
Turkish Republic of Northern Cyprus

DOCUMENT S/25796**

Note by the Secretary-General concerning the request by the Principality of Monaco for admission to membership in the United Nations

[Original: French]
[18 May 1993]

In accordance with rule 135 of the rules of procedure of the General Assembly and rule 59 of the provisional rules of procedure of the Security Council, the Secretary-General has the honour to circulate herewith a copy of the request by the Principality of Monaco for admission to the United Nations, contained in a letter dated 14 May 1993 from the Minister of State of the Principality of Monaco to the Secretary-General.

LETTER DATED 14 MAY 1993 FROM THE MINISTER OF STATE OF THE PRINCIPALITY OF MONACO TO THE SECRETARY-GENERAL

Pursuant to my letter of 5 April 1993 and in accordance with Article 4 of the Charter of the United Nations, as well as with rule 58 of the provisional rules of procedure of the Security Council and rule 134 of the rules of procedure of the General Assembly, I have the honour, on behalf of the Principality of Monaco and in my capacity as Minister of State, to confirm the request of the Principality of Monaco to be admitted to the United Nations.

I should be grateful if you would kindly inform the Security Council and the General Assembly of this request at their next meetings.

* Circulated under the double symbol A/47/949-S/25795.

** Circulated under the double symbol A/47/950-S/25796.

As mentioned in the official declaration attached hereto, the Principality of Monaco is prepared to accept and carry out the obligations contained in the Charter of the United Nations.

(Signed) Jacques DUPONT
Minister of State of the Principality of Monaco

Declaration

With reference to the request by the Principality of Monaco for admission to the United Nations, I have the honour to declare, on behalf of the Principality of Monaco and in my capacity as Minister of State of the Principality, that the Principality of Monaco accepts the obligations contained in the Charter of the United Nations and solemnly pledges to carry them out.

(Signed) Jacques DUPONT
Minister of State of the Principality of Monaco

DOCUMENT S/25797

Letter dated 18 May 1993 from the representative of Uganda to the President of the Security Council

[Original: English]
[19 May 1993]

I have the honour to address you again on the projected deployment of United Nations forces in the zone of conflict between the Rwandese Government and the Rwandese Patriotic Front, with respect to the deployment of a United Nations monitoring team on the Uganda side of the border.

I wish to reiterate the position of the Government of Uganda that we have no objections to the monitoring team coming to Uganda. Secondly, the Government of Uganda wishes it to be understood that it is not insisting on simultaneous deployment of a United Nations peace-keeping force inside Rwanda and the stationing of an observer contingent on the Uganda side of the common border.

Nevertheless, it is the expectation of the Government of Uganda that the Security Council will reflect, as appropriate, that agreement was earlier reached that a neutral observer or peace-keeping force, would be deployed in the buffer zone between the two conflicting forces inside Rwanda.

I would highly appreciate it if this position of the Government of Uganda could be drawn to the attention of the Secretary-General. I will also be grateful if you would kindly arrange to have this letter circulated as a document of the Security Council.

(Signed) Perezi K. KAMUNANWIRE
*Permanent Representative of Uganda
to the United Nations*

DOCUMENT S/25799

Letter dated 19 May 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[20 May 1993]

I have the honour to submit to you the attached letter, dated 7 May 1993, from the President of the Parliament of the Republic of Bosnia and Herzegovina to the Parliament of the European Community.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
*Permanent Representative of Bosnia and Herzegovina
to the United Nations*

TEXT OF THE LETTER

You have probably heard of the fact that the Prime Minister of the Republic of Greece, Mr. Konstantin Mizotakis, made a visit to the temporarily occupied territory of the Republic of Bosnia and Herzegovina, a country also recognized by the member States of the European Community.

We are not surprised at the presence on the temporarily occupied territory of Milosević, Bulatović, and Čosić, whose countries (Serbia and Montenegro, i.e., so-called Federal Republic of Yugoslavia), due to their aggression against Bosnia and Herzegovina, suffer tough sanctions of the international community. However, we are surprised at and cannot accept the illegal stay of Mr. Mizotakis on the territory of the Republic of Bosnia and Herzegovina, which represents an open violation of the sovereignty of an internationally recognized, independent country. Particularly surprising are his words spoken at Pale which deny the legal and legitimate authorities of the State of Bosnia and Herzegovina, and renders open support to the Serbian-Montenegrin aggressors.

Such behaviour is unacceptable in international relations and relations between States, and leaves a bad impression regarding the peace efforts of the European Community.

Mr. Mizotakis would have done more in the interest of peace in these regions if he had visited the Republic of Bosnia and Herzegovina and the capital city of Sarajevo so as to see the tragic consequences of the brutal aggression, the more so since Greece was among the first countries to recognize Bosnia and Herzegovina.

(Signed) Miro LAZOVIĆ
President of the Parliament of Bosnia and Herzegovina

Note verbale dated 19 May 1993 from the representative of France to the President of the Security Council

*[Original: French]
[19 May 1993]*

Please find attached hereto a memorandum from the French Government on the establishment of safe areas in Bosnia Herzegovina.

I should be grateful if you would have the present letter and the memorandum circulated as a document of the Security Council.

*(Signed) Jean-Bernard MERIMÉE
Permanent Representative of France
to the United Nations*

TEXT OF THE MEMORANDUM

A. Principles

1. A safe area is defined as a besieged area, with a precisely defined perimeter, placed under the protection of the United Nations, in which the delivery of humanitarian assistance is ensured and all acts of aggression banned.

2. Security Council resolution 824 (1993) of 6 May 1993 declares that "Sarajevo, and other such threatened areas, in particular the towns of Tuzla, Zepa, Gorazde, Bihac, as well as Srebrenica and their surroundings, should be treated as safe areas by all the parties concerned and should be free from armed attacks and from any other hostile act". It is cautious concerning the way to ensure protection of those areas, and leaves to a further resolution for what concerns the authorization of the use of military force.

3. The general aim of the scheme should be to stop territorial gains by the Serbian forces in Bosnia and Herzegovina and to achieve a negotiated settlement by the parties concerned.

4. The mandate of UNPROFOR [United Nations Protection Force] should be modified in order to give it expressly, more clearly than in resolution 824 (1993), the task of ensuring the security of safe areas. To this end a new resolution should provide explicitly for the possibility of recourse to the force, by all necessary means.

B. UNPROFOR's tasks

5. The new tasks of UNPROFOR in the safe areas might be the following. They obviously depend on the scale of the forces deployed, which makes it necessary to consider several options as described in paragraph 7:

(a) In a light option without formed units:

- to deter aggression;

- to observe the cease-fire;
 - to facilitate relief operations to the populations;
- (b) In a light option with formed units:
- to deter aggression;
 - to monitor the cease-fire;
 - to occupy some key points on the ground;
 - to participate in relief operations to the population;

(c) In a heavy option:

- to oppose any aggression;
- to monitor the cease-fire;
- to occupy key points on the ground;
- to participate in relief operations to the population;
- to keep open one or more logistic corridors in Serb areas;
- if necessary, to collect heavy weapons and to carry out demilitarization.

6. The criteria for triggering the use of force, determined in a limited way, might be in particular:

(a) Shelling of safe areas by the forces of one of the factions;

(b) Armed incursion into safe areas;

(c) Impediment of free movement of UNPROFOR and protected humanitarian convoys under protection.

C. Modalities of action proposed

7. Three options can be considered in order to ensure protection of threatened populations, who are estimated to number 500,000 inhabitants and refugees at Sarajevo, 200,000 at Tuzla, 10,000 at Zepa, 80,000 at Gorazde, 310,000 at Bihac, 30,000 at Srebrenica and 15,000 at Foca.

(a) Two light options: either, in the absence of formed units, establishing a symbolic United Nations presence, or providing for the monitoring of a limited perimeter with relatively weak forces:

- establishing a United Nations presence requires the deployment of observer teams in all the areas (several dozen);
- monitoring limited perimeters requires the commitment of a brigade at Sarajevo (5,000 men) and of a battalion

(900 men) in each of the four other areas (treating Gorazde and Foca as one area and Srebrenica and Zepa as another).

As a first step, in Eastern Bosnia, the deployment might be limited to one company for each enclave.

(b) A heavy option with a large perimeter, ensuring free movement of the United Nations forces and preventing any enemy aggression, particularly artillery. The scale of forces needed to cover all the tasks mentioned in paragraph 5 (c) amounts to one division (15,000 to 20,000 men) for Sarajevo and one brigade (5,000 men) for each of the other four areas.

(c) In any case, it would be advisable to plan for one intervention unit consisting of a light brigade (3,000 men), and the use of air power (already partly deployed in the enforcement of the no-fly zone), in order to be able to confront potential major aggression.

D. Participation, political control and command

8. It seems to us that the effective participation on the ground of the United States and the Russian Federation with the countries already involved would confer added credibility to such a concept of safe areas and might make the light options sufficient. The establishment of those areas should be accompanied by the appointment by the Secretary-General of the United Nations of a political authority able to control actions undertaken, and by the establishment of a command organization capable of ensuring in particular coordination between ground and air forces. These two provisions, which appear intrinsically necessary, would moreover be in line with preparations for the transition towards the eventual implementation of the Vance-Owen peace plan.

DOCUMENT S/25802

Letter dated 19 May 1993 from the representatives of France, Spain and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

*[Original: Spanish]
[19 May 1993]*

We have the honour to bring to your attention the text of the Declaration on the Vance-Owen Plan, adopted by the European Community and its member States on 18 May 1993.

We should be grateful if you would have the text of this letter and the Declaration circulated as a document of the Security Council.

*(Signed) Antonio PEDAUYE
Chargé d'affaires a.i. of the
Permanent Mission
of Spain to the United
Nations*

*(Signed) Jean-Bernard MERJIMEE
Permanent Representative of France
to the United Nations*

*(Signed) Sir David Hannay
Permanent Representative
of the United Kingdom of Great
Britain and Northern Ireland
to the United Nations*

TEXT OF THE DECLARATION

[Original: English/French]

The community and its member States have taken note of the fact that the Bosnian Serbs have not yet accepted the Vance-Owen plan. Their leader, Radovan Karadzic, who personally signed the plan at Athens, has now rejected it.

The community and its member States will continue to lend their full support to the Vance-Owen plan. They demand its immediate acceptance by the Bosnian Serbs. To this end, they will, in cooperation with the United States of America, Russia, and other interested parties, continue, under the aegis of the United Nations, to bring heavy pressure to bear on Serbia/Montenegro and the Bosnian Serbs, with no option being excluded.

At the same time, the community and its member States are deeply outraged at the military attacks against Muslim civilians by Bosnian Serb and Bosnian Croat forces. These atrocities must be brought to an end immediately. With a view to seeking an end to Bosnian Croat attacks against Muslims, the Chairman of the European Community Council of Ministers will, on 18 May, participate in a meeting at Mostar with, among others, the Presidents of Croatia and Bosnia and Herzegovina, as well as Lord Owen and Thorvald Stoltenberg."

DOCUMENT S/25804

Letter dated 19 May 1993 from the representative of Bulgaria to the President of the Security Council

*[Original: English]
[19 May 1993]*

Upon instructions from my Government, I have the honour to transmit herewith the attached memorandum of the Government of the Republic of Bulgaria regarding the easing of the transshipment regime through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro).

I should be grateful if you would have this letter and the memorandum circulated as a document of the Security Council.

*(Signed) Slavi PASHOVSKI
Permanent Representative of
Bulgaria to the United Nations*

TEXT OF THE MEMORANDUM

The Republic of Bulgaria strictly implements the resolutions of the Security Council with regard to the Federal Republic of Yugoslavia (Serbia and Montenegro). It has declared its readiness to continue to abide in good faith by the obligations under those resolutions.

At the same time, the Government of the Republic of Bulgaria would like once again to draw the attention of the Security Council to the fact that the implementation of the trade and economic sanctions introduced by the above-mentioned resolutions has resulted in considerable direct losses to the Bulgarian economy.

As it was more specifically pointed out in the memorandum dated 6 May 1993 of the Government of the Republic of Bulgaria regarding the implementation of Security Council resolution 820 (1993) of 17 April 1993 [S/25743], the restrictive transshipment regime through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro) established by the respective resolutions has considerably disrupted the traditional trade and economic links of Bulgaria with the countries of Central and Western Europe. The greater part of Bulgarian exports and imports to and from the European markets is effected through the area under the sanctions regime. The use of detour routes with very heavy traffic even under normal conditions raises the cost of Bulgarian exports and has an extremely negative effect on their realization. All this leads to the speeding up of the process of inflation, the aggravation of the financial situation of the country, thus bringing about serious social consequences. The new measures introduced by Security Council resolution 820 (1993), have, in practice, already resulted in the cutting off of the trade and economic links of Bulgaria with other European countries and in its isolation from markets of vital importance for the national economy.

In view of the above circumstances, the Government of the Republic of Bulgaria urgently calls upon the Security Council to consider, as a matter of priority, the possibilities of adopting the necessary steps to ease the transshipment regime through the territory of the Federal Republic of Yugoslavia (Serbia and Montenegro), both by land and on the Danube, while at the same time the strict implementation of the prohibitions and restrictions with regard to the import and export of goods and products to and from its territory is guaranteed by respective control measures.

17 May 1993

DOCUMENT S/25808

Letter dated 18 May 1993 from the representative of Hungary to the President of the Security Council

[Original: French]
[20 May 1993]

I have the honour to transmit to you herewith a letter dated 5 May 1993, together with its annexes, addressed to you by the Chairman and the Secretary of the Danube Commission, concerning the Federal Republic of Yugoslavia (Serbia and Montenegro)

I should be grateful if you would have the text of the aforesaid letter and its annexes circulated as a document of the Security Council.

(Signed) André ERDOS
Permanent Representative of Hungary
to the United Nations

ANNEX

Letter dated 5 May 1993 from the Chairman and the Secretary of the Danube Commission addressed to the President of the Security Council

[Original French/Russian]

We have the honour to inform you that the Danube Commission, at its fifty-first meeting, held at Budapest from 20 to 28 April 1993, adopted a resolution on the question of the continued collection by the authorities of the Federal Republic of Yugoslavia of transit charges from vessels passing through the Yugoslav sector of the Danube (CD/SES 51/40) and a resolution concerning the monitoring of compliance with the sanctions imposed by the United Nations Security Council against the Federal Republic of Yugoslavia (Serbia and Montenegro) and the treaty regime of navigation on the Danube (CD/SES 51/41). The text of these resolutions are enclosed.

G. MISUR
Chairman of the
Danube Commission

N. SLAVOV
Secretary of the
Danube Commission

APPENDIX I

DANUBE COMMISSION
Fifty-first meeting

CD/SES 51/40

RESOLUTION

adopted at the fifty-first meeting of the Danube Commission concerning the question of the continued collection by the authorities of the Federal Republic of Yugoslavia of transit charges from vessels passing through the Yugoslav sector of the Danube

(Adopted at the plenary meeting held on 28 April 1993)

The Danube Commission,

Confirming the resolution adopted at the fourth special meeting of the Commission concerning the unilateral introduction by the Federal Republic of Yugoslavia, without consulting the Commission, of a fee for the use of navigational safety facilities on inland waterways by foreign vessels transiting through its sector of the Danube,

1. Deplores the fact that these decisions have not been fully implemented by the Federal Republic of Yugoslavia, and urges the competent authorities of the Federal Republic of Yugoslavia to take all the steps required for their implementation;

2. Reaffirms its statement that questions relating to the introduction of new fees and charges should be settled in accordance with the mechanism envisaged by the 1948 Belgrade Convention regarding the Regime of Navigation on the Danube.

APPENDIX II

DANUBE COMMISSION
Fifty-first meeting

(CD/SES 51/41)

RESOLUTION

adopted at the fifty-first meeting of the Danube Commission concerning the monitoring of compliance with the sanctions imposed by the Security Council against the Federal Republic of Yugoslavia

(Serbia and Montenegro) and the treaty regime of navigation on the Danube

(Adopted at the plenary meeting held on 28 April 1993)

The 1948 Belgrade Convention regarding the Regime of Navigation on the Danube continued the tradition of regulating, by means of a multilateral treaty, the historically established regime of free commercial navigation.

The States members of the Danube Commission are complying strictly with the relevant resolutions of the Security Council, namely, 713 (1991), 757 (1992), 787 (1992) and 820 (1993).

They note, however, that as a result of the sanctions imposed against the Federal Republic of Yugoslavia (Serbia and Montenegro), it is mainly the Danubian countries which are suffering substantial economic losses.

While stating their determination also to fulfil strictly their future obligations under the Charter of the United Nations, the States members of the Danube Commission express their concern at the critical situation in the Danube region.

At the same time, they reaffirm their view that the strict implementation of the Security Council resolutions in question should be understood as involving steps to be taken within the framework of their national laws, taking into account also their individual obligations as sovereign States Members of the United Nations. However, they express their hope that upon the application of the Security Council measures, in conformity with existing practice in international law, consideration will be given to the serious threat to free navigation on the Danube.

The States members of the Danube Commission deem it essential to confirm officially that, in implementing the Security Council resolutions, they are guided by the following notions:

(a) All obligations relating to the regime of navigation on the Danube which are not affected by the sanctions must continue to be fulfilled strictly;

(b) Measures adopted in implementation of the Security Council resolutions which establish some limits on the regime of free navigation on the Danube should be regarded as being solely of a temporary nature. Such measures relate only to the actions taken with a view to the implementation of the relevant Security Council resolutions, and cannot influence the future regime of free navigation on the Danube;

(c) In view of the substantial economic losses, they also deem it appropriate to inform the Security Council of the need to develop a compensatory mechanism.

DOCUMENT S/25809

Report of the Secretary-General on the United Nations Disengagement Observer Force for the period 20 November 1992 to 21 May 1993

[Original: English]
[21 May 1993]

INTRODUCTION

1. The present report gives an account of the activities of the United Nations Disengagement Observer Force (UNDOF) in

pursuance of the mandate entrusted to it by the Security Council in its resolution 350 (1974) and extended by subsequent resolutions, most recently by resolution 790 (1992) of 25 November 1992.

Organization of the Force

2. As of May 1993, the composition of UNDOF was as follows:

Austria	453
Canada	180
Finland	356
Poland	135
	<u>1124</u>

United Nations military observers
(detailed from the United Nations
Truce Supervision Organization
(UNTSO))

5

1129

In addition to the above, UNDOF was assisted by UNTSO military observers assigned to the Israel-Syria Mixed Armistice Commission.

3. Major-General Roman Misztal of Poland continued as Force Commander.

4. The Government of Finland has informed me of its intention to withdraw its contingent by the end of the year. I am consulting with Governments about a replacement.

5. UNDOF is deployed within and close to the area of separation (see attached map), with base camps and logistic units located nearby. Most of the military component of UNDOF headquarters is at Camp Faouar and some elements are at Camp Ziouani. The civilian administrative staff is at Damascus. The Force Commander maintains offices both at Camp Faouar and at Damascus.

6. The Austrian battalion is deployed in the northern zone of UNDOF's area of operation. At present, it maintains 18 positions and 7 outposts, and conducts 26 daily patrols at irregular intervals on predetermined routes in the area of separation. Its base camp is at Camp Faouar, 8 kilometres east of the area of separation. The Finnish battalion is deployed in the southern zone. At present it maintains 16 positions and 6 outposts and conducts 19 daily patrols at irregular intervals in the area of separation. Its base camp is at Camp Ziouani, west of the area of separation.

7. The Polish logistic unit is stationed at Camp Faouar and the Canadian logistic unit at Camp Ziouani. Canadian signal personnel operate at both Camps Faouar and Ziouani. The military police has detachments at Camp Ziouani, Camp Faouar and Checkpoint C.

8. First-line logistic support is internal to the contingents. Second-line logistic support is provided by the Canadian and

Polish logistic units. Third-line support is provided through normal supply channels by the United Nations. Damascus international airport serves as UNDOF's airhead; Tel Aviv international airport is also used. The seaports of Latakia, Ashdod and Haifa are used for sea shipments. In-theatre air support is provided by UNTSO on request.

9. During the period under review, one member of UNDOF died of natural causes. Since its inception, 32 members of UNDOF have died, 19 as a result of hostile action or accidents and 13 from other causes.

Activities of the Force

10. The functions and guidelines of UNDOF, as well as its tasks, were outlined in the Secretary-General's report of 27 November 1974 [S/11563, paras. 8-10]. UNDOF continued, with the cooperation of the parties, to fulfil the tasks entrusted to it. To this end, the Force Commander and his staff maintained close contact with the military liaison staffs of Israel and the Syrian Arab Republic. Both sides continued to impose some restrictions on UNDOF's freedom of movement.

11. UNDOF continued to supervise the observance of the cease-fire between Israel and the Syrian Arab Republic. The cease-fire was maintained and the operational situation in UNDOF's area of operation remained calm.

12. UNDOF supervised the area of separation to ensure that no military forces were deployed in it [S/11302 and Add.1 and 2]. This was done by means of permanently manned positions and observation posts, and by foot and mobile patrols operating at irregular intervals on predetermined routes by day and by night. In addition, temporary outposts were established and additional patrols were conducted from time to time as necessary. In the Wadi Ar Raqqad, new patrol paths were created in the area of separation which enable UNDOF to operate more easily in this difficult terrain. UNDOF continued its efforts, through frequent patrolling and the establishment of standing patrols, to prevent incidents involving Syrian shepherds who graze their flocks close to and west of the A-line.

13. The Syrian authorities have continued to lay mines and replace old ones in the area of separation along its eastern edge [see S/24821, para. 11].

14. UNDOF conducted fortnightly inspections of armament and force levels in the areas of limitation. Liaison officers from the party concerned accompanied the inspection teams. As in the past, both sides restricted the movement of inspection teams, denying access to some positions.

15. Mines still pose a threat to members of the Force and to the inhabitants in the area of separation. A member of a mine-clearing team sustained leg injuries in the course of his work. During the period under review, the Polish mine-clearing teams cleared a total area of 21,965 square metres. Eleven cluster bombs, three artillery shells, three hand grenades, two anti-aircraft shells and a quantity of small-arms ammunition were found and destroyed.

16. UNDOF assisted the International Committee of the Red Cross with facilities for mail and for the passage of persons through the area of separation. Within the means available, medical treatment was provided to the local population.

Financial aspects

17. By its resolution 47/204 of 22 December 1992, the General Assembly, *inter alia*, authorized the Secretary-General to enter into commitments for UNDOF at a rate not to exceed \$3,034,000 gross (\$2,953,000 net) per month for the period from 1 June to 30 November 1993, inclusive, should the Security Council decide to continue the Force beyond the period of six months authorized under its resolution 790 (1992). Therefore, the cost to the United Nations will be within the aforementioned commitment authority. Appropriate financial provision will need to be made by the General Assembly at its forty-eighth session in respect of periods after 30 November 1993, should the Security Council decide to extend the mandate of the Force beyond that date. Unpaid assessments to the UNDOF special account as at 17 May 1993 amounted to some \$20.8 million.

Implementation of Security Council resolution 338 (1973)

18. In deciding in its resolution 790 (1992) of 25 November 1992 to renew the mandate of UNDOF for a further period of six months, the Security Council also called upon the parties concerned to implement immediately its resolution 338 (1973) and requested the Secretary-General to submit, at the end of the period, a report on the developments in the situation and the measures taken to implement that resolution.

19. The search for a peaceful settlement in the Middle East and, in particular, the efforts undertaken at various levels to implement Security Council resolution 338 (1973) were dealt with in my report on the situation in the Middle East [S/24819], submitted in pursuance of General Assembly resolution 46/82 A of 16 December 1991.

Observations

20. UNDOF, which was established in May 1974 to supervise the cease-fire called for by the Security Council and the Agreement on Disengagement between Israeli and Syrian forces of 31 May 1974 [S/11302/Add.1, annex I], has continued to perform its functions effectively, with the cooperation of the parties. During the period under review, the situation in the Israel-Syria sector has remained generally quiet and there has been no serious incident.

21. Despite the present quiet in the Israel-Syria sector, the situation in the Middle East as a whole continues to be potentially dangerous and is likely to remain so, unless and until a comprehensive settlement covering all aspects of the Middle East problem can be reached. I continue to hope that determined efforts will be made by all concerned to tackle the problem in all its aspects, with a view to arriving at a just and durable peace settlement, as called for by the Security Council in its resolution 338 (1973).

22. In the prevailing circumstances, I consider the continued presence of UNDOF in the area to be essential. I therefore recommend that the Security Council extend the mandate of the Force for a further period of six months, until 30 November 1993. The Government of the Syrian Arab Republic has given its assent to the proposed extension. The Government of Israel has also expressed its agreement.

23. In conclusion, I wish to express my appreciation to the Governments contributing troops to UNDOF and to those that provide UNTSO military observers assigned to the Force. I take this opportunity to pay tribute to Major-General Roman Misztal and to the men and women under his command. They have performed with efficiency and devotion to duty the important tasks assigned to them by the Security Council.

ANNEX

[Map "UNDOF deployment as of May 1993". See end of volume.]

DOCUMENTS S/25810 AND ADD.1

Interim report of the Secretary-General on Rwanda

DOCUMENT S/25810

[Original: English]
[20 May 1993]

INTRODUCTION

1. The present report is submitted in pursuance of paragraph 3 of Security Council resolution 812 (1993), by which the Council invited me to examine the request by the Governments of Rwanda and Uganda for the deployment of observers at the border between these two countries.

2. It will be recalled that, in separate letters addressed to the President of the Security Council, the Governments of Rwanda [S/25355] and Uganda [S/25356] had called for the deployment of United Nations military observers along their common border.

3. Following the adoption of resolution 812 (1993), I decided to send a technical mission to Uganda and Rwanda with a view to gathering the relevant information. The mission visited Uganda from 2 to 5 April and Rwanda on 6 April 1993. The mission was led by my Military Adviser, Brigadier-General Maurice Baril.

4. During its visit to Uganda, the mission was joined by Mr. Macaire Pedanou, leader of the United Nations good-will mission which visited the region from 2 to 17 March 1993. Since then, Mr. Pedanou has been observing, on my behalf, the talks which have been taking place at Arusha between the Government of Rwanda and the Rwandese Patriotic Front (RPF). I shall submit a detailed report to the Security Council on my good-will mission after the conclusion of the Arusha peace talks.

I. THE ARUSHA PEACE TALKS

5. The talks resumed at Arusha on 16 March 1993 under the auspices of the United Republic of Tanzania, which is acting as the facilitator. The agenda for the current round of

negotiations covers military issues, refugees and displaced persons, and outstanding political matters, including the amendment of the constitution, as well as the duration of the transitional period. On the military side, the negotiations focus on the composition and size of the new army, including the representation of the armed forces of the Government and those of the RPF in the new army. Other issues being addressed in the talks cover arrangements related to security services, including the gendarmerie, demobilization and the assistance required from the international community. The two parties are also discussing the establishment of an International Neutral Force for the implementation of the proposed peace agreement.

6. I wish to inform the members of the Security Council that, on 18 May 1993 I met with the Minister of Defense of Rwanda, Mr. James Gasana, who delivered to me a message from Mr. Juvenal Habyarimana, President of Rwanda. In that message, President Habyarimana reiterated his Government's hope that the United Nations would deploy a group of military observers along the Rwanda/Uganda border. He also expressed the view that the early deployment of a United Nations-supervised International Neutral Force, in the zone separating the Rwandese armed forces from those of the RPF, would facilitate the current negotiations at Arusha and contribute to peace and national reconciliation in Rwanda.

II. REPORT OF THE TECHNICAL MISSION

7. The terms of reference of the technical mission led by General Baril were to gather and evaluate all information relevant to the possible deployment of United Nations military observers on the Rwanda/Uganda border. The mission was instructed to make recommendations, as appropriate, regarding the tasks which could be performed by such observers and to prepare a concept of operations, as well as an estimate of the logistic and administrative support requirements. In addition, the mission was asked to suggest a time-frame for the deployment of military observers, following authorization of such an operation by the Security Council.

8. During its visit to Uganda, the technical mission met with Mr. Paul Szemogere, Minister for Foreign Affairs, as well as with Mr. Anama Msazi, Minister of Defence, and Major-General Mugisha-Munti, Commander of the Armed Forces. With the cooperation of the Ugandan authorities, the mission was able to carry out aerial and ground reconnaissance of the Uganda side of the border with Rwanda.

9. The technical team then travelled to Kigali where it was received by the President of Rwanda, Mr. Juvenal Habyarimana, the Prime Minister, Mr. Dismas Nsengiyareme, and the Minister of Defence, Mr. James Gasana. Meetings were also arranged with members of the diplomatic community, as well as with the deputy commander of the Neutral Military Observer Group (NMOG) of the Organization of African Unity (OAU). In addition, the mission met with representatives of the RPF attached to the NMOG.

10. On the basis of these discussions and of a preliminary assessment of conditions on the ground, the mission has

reported that it would be possible to deploy United Nations military observers to monitor the Uganda/Rwanda border and verify that no military assistance is being provided across the border between the two countries. The border extends approximately 150 kilometres by line of sight. The RPF controls about four-fifths of the border and is opposed to the deployment of observers on the Rwanda side. The military observers would therefore be deployed on the Uganda side of the border, opposite the portion which is at present under the control of the RPF forces.

11. In this regard, it should be noted that, as is the case in other regions of Africa, the same ethnic groups live on both sides of the border and that movement of people across the border, as well as cross-border trade, have traditionally been frequent. Consequently, any monitoring and verification activities would not seek to restrict such movements, but would focus primarily on transit or transport of lethal weapons and ammunition across the border, as well as of any other material which could be of military use.

III. UNITED NATIONS OBSERVER MISSION

12. The tasks described above could be carried out by an observer mission to be known as the "United Nations Observer Mission Uganda-Rwanda" (UNOMUR). This observer mission would be under the command of the United Nations, vested in the Secretary-General under the authority of the Security Council. UNOMUR would be headed in the field by a Chief Military Observer (CMO) designated by the Secretary-General with the consent of the Security Council. The CMO would report to the Secretary-General. For his part, the Secretary-General would report regularly to the Security Council on the operations of UNOMUR. All matters that might affect the nature or the continued effective functioning of the observer mission would be referred to the Security Council for its decision.

13. As regards the concept of operations, UNOMUR would establish its headquarters at Kabale, a city centrally located close to the border area. It would have two sector headquarters. In order to perform its monitoring functions effectively, UNOMUR would need a combination of static observation posts and mobile patrols. It is envisaged that five static observation posts would be established at the five main road crossing sites on the border and that these would be supported by extensive vehicle and foot patrols on the Uganda side of the border, by day and at night. Helicopter patrols using sensory devices would also be required, since ground fog is prevalent in the border area and because of the presence of dense vegetation and the difficulty of the terrain.

14. It is estimated that, in order to carry out its monitoring and verification activities, UNOMUR would require 81 military observers, 17 international and seven local civilian support staff. The military observers would be provided by Member States at the request of the Secretary-General. The contributing countries would be selected after the usual consultations and with the concurrence of the Security Council, bearing in mind the accepted principle of equitable geographical representation.

15. In accordance with established practice, UNOMUR would need to have freedom of movement, communication and inspection, and to enjoy the other rights that would be necessary for the performance of its tasks. UNOMUR and its personnel would also have to be granted all relevant privileges and immunities provided for by the Convention on the Privileges and Immunities of the United Nations.⁸ In this connection, I am gratified that the Government of Uganda has assured the technical mission that it would provide the necessary facilities and that it would ensure the safety of United Nations personnel deployed in the border area, when requested. Should the Security Council decide to establish UNOMUR, it would therefore be my intention to initiate consultations with the Government of Uganda, with a view to concluding a Status of Mission Agreement along the usual lines.

16. It will be recalled that, on 8 April 1993, I informed the Security Council that I had decided to strengthen my good-will mission by the addition of three military advisers [see S/25561]. On 13 April, the Security Council welcomed this decision [see S/25592]. One of them has joined the good-will mission at Arusha with a view to providing technical advice, as appropriate, on the military aspects of the ongoing negotiations. The two other military advisers arrived at Kampala on 15 April 1993 to undertake the more detailed reconnaissance work required prior to the deployment of an eventual observer mission in the border area.

17. Subject to the approval of the Security Council, I envisage that UNOMUR would be deployed progressively. An advance party of 21 military observers and some civilian support staff would be deployed within 15 days of the adoption of a Security Council resolution. The rest of the personnel would be deployed as soon as the necessary logistic support had been procured and delivered to the mission area. It is estimated that the full deployment of the mission could be completed within 45 days.

18. I shall, as soon as possible, submit as an addendum to the present report a statement of the financial and administrative implications of the operation described above.

IV. CONCLUSIONS

19. The Governments of Rwanda and Uganda have requested the deployment of United Nations military observers at their common border. The two Governments confirmed this request to the technical mission during the latter's visit to Kampala and Kigali. Moreover, in a letter addressed to the President of the Security Council on 11 May 1993, the Permanent Representative of Uganda reaffirmed that his Government was prepared to accept the stationing of a United Nations observer contingent on the Uganda side of the border. The position of the Government of Rwanda has also been reconfirmed in the message of its President referred to in paragraph 6 above.

20. As indicated in paragraph 10 of the present report, RPF is opposed to the deployment of observers on the Rwanda side

of the border, but it does not object to the presence of United Nations military observers on the Uganda side of the border, as long as the purpose of this presence is to verify that no military assistance reaches its forces through Uganda. In addition, RPF has expressed the view that similar monitoring activities regarding the provision of military assistance to the Government of Rwanda should also be considered.

21. On the basis of the conclusions of the technical mission, which are summarized in sections II and III of the present report, the Security Council may wish to authorize the establishment of a United Nations observer mission on the Uganda side of the Rwanda/Uganda border, for an initial period of up to six months. The duration of this observer mission would however be subject to review, following the conclusion of the Arusha talks. At that time, I shall also report to the Security Council on the outcome of the consultations which have been undertaken with OAU in pursuance of paragraph 2 of resolution 812 (1993).

22. However, I wish to inform the members of the Council that, in order to support the current peace-keeping efforts of OAU in Rwanda, I have decided to put two military experts at the disposal of that Organization. The task entrusted to these experts is to provide technical assistance to OAU in the preparation of a submission to the donor community for the funding of an expanded Neutral Military Observer Group in Rwanda. These two officers arrived at Addis Ababa on 13 May. They will be assisting OAU to determine the needs and concept of operations of an expanded NMOG. They will also evaluate the necessary logistic and administrative support requirements and prepare the relevant cost estimates.

23. Meanwhile, a decision to deploy observers at the Uganda/Rwanda border could help to promote the negotiation process at Arusha and encourage the parties to actively pursue their efforts towards peace and national reconciliation in Rwanda. It would underscore the importance which the international community attaches to the maintenance of peace and security in the region and to the peaceful settlement of the conflict within Rwanda. Such a decision would also signal the willingness of the international community to assist in the implementation of the comprehensive peace agreement currently being discussed at Arusha, under the auspices of the President of the United Republic of Tanzania and with the cooperation of the Organization of African Unity.

DOCUMENT S/25810/ADD.1

*[Original: English]
[2 June 1993]*

1. In my report in document S/25810 above, I indicated in paragraph 18 that I would submit the financial and administrative implications for the operations of the observer mission as described in paragraphs 12 to 17, as an addendum to the report.

2. Should the Security Council decide to authorize the establishment of a United Nations observer mission on the Uganda side of the Rwanda/Uganda border, it is estimated that

the total cost would amount to \$8,529,000 gross for an initial six-month period. The amount is inclusive of the travel cost of the technical mission mentioned in paragraph 3 of document S/25810 above. A breakdown of the estimated cost by main categories of expenditure is provided for information purposes in the annex to the present addendum.

3. It would be my recommendation to the General Assembly, should the Security Council decide to establish a United Nations observer mission on the Uganda side of the Rwanda/Uganda border, that the costs relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to a special account to be established for this purpose.

ANNEX

Cost estimates for the initial six-month period of a United Nations observer mission on the Uganda side of the Rwanda/Uganda border

(Thousands of United States dollars)

<i>Serial</i>	<i>Amount</i>
1. Military observers	1 829
2. Civilian personnel	1 052
3. Premises, rental and maintenance	360
4. Vehicle operations	1 124
5. Aircraft operations	2 638
6. Communications	601
7. Miscellaneous equipment	571
8. Miscellaneous supplies, services, freight and support costs	352
Total	<u>8 529</u>

DOCUMENTS S/25811 AND ADD.1*

Letter dated 21 May 1993 from the Secretary-General to the President of the Security Council

DOCUMENT S/25811

*[Original: English]
[21 May 1993]*

I have the honour to transmit to you and through you to the members of the Security Council the "Final report on the demarcation of the international boundary between the Republic of Iraq and the State of Kuwait by the United Nations Iraq-Kuwait Boundary Demarcation Commission" dated 20 May 1993* containing the list of geographic coordinates demarcating the boundary and the map of the area, which forms an enclosure to the report. I also submit a transmittal letter of the same date from the Chairman of the Commission addressed to me.*

* The document is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

As indicated in the above-mentioned letter, in addition to the final report, the Chairman of the Commission submitted to me three certified copies of the list of geographic coordinates demarcating the international boundary between Iraq and Kuwait. On 20 May 1993, I forwarded two of these certified copies to the Governments of Iraq and Kuwait respectively, so that they may be lodged in their archives. I also brought to the attention of both Governments the final report of the Commission together with the map. The third certified copy of the list of geographic coordinates demarcating the international boundary between Iraq and Kuwait will be retained for safe-keeping in the archives of the United Nations.

As you know, the United Nations Iraq-Kuwait Boundary Demarcation Commission was established pursuant to paragraph 3 of Security Council resolution 687 (1991), which called upon the Secretary-General to lend assistance to make arrangements with Iraq and Kuwait to demarcate the international boundary between the two countries. The Commission was entrusted with the task to demarcate in geographic coordinates of latitude and longitude as well as by a physical representation the international boundary as set out in the "Agreed Minutes between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters" signed at Baghdad on 4 October 1963²³. The Commission was also asked to provide for arrangements for maintenance on a continuing basis of the physical representation of the boundary.

In accordance with its mandate and terms of reference, the Commission was called to perform a technical and not a political task and as it is stressed in the final report, the Commission has made every effort to strictly confine itself to this objective. In the statement of the President of the Security Council dated 17 June 1992 [S/24113], issued on behalf of its members and in Security Council resolution 773 (1992) of 26 August 1992, related to the work of the Commission, it was pointed out that through the demarcation process the Commission was not reallocating territory between Kuwait and Iraq, but it was simply carrying out the technical task necessary to demarcate for the first time the precise coordinates of the boundary set out in the Agreed Minutes referred to above.

As stated in the final report, the Commission has fulfilled its mandate. It demarcated in geographic coordinates of latitude and longitude the international boundary between Iraq and Kuwait set out in the Agreed Minutes, made arrangements for the physical representation of the boundary through the emplacement of an appropriate number of boundary pillars or monuments and provided for arrangements for continuing maintenance and location accuracy of the surficial boundary representation.

The coordinates established by the Commission thus constitute the final demarcation of the international boundary between Iraq and Kuwait set out in the Agreed Minutes of 4 October 1963. In accordance with paragraphs 2 and 4 of Security Council resolution 687 (1991), both Iraq and Kuwait shall respect the inviolability of this international boundary

and its inviolability will be also guaranteed by the Security Council.

Fulfilment by the Commission of its mandate to demarcate the international boundary between Iraq and Kuwait has direct implications for the implementation of paragraph 5 of Security Council resolution 687 (1991) relating to the establishment of a demilitarized zone along that boundary. In January 1993 UNIKOM [United Nations Iraq-Kuwait Observation Mission] completed the realignment of the demilitarized zone with the demarcated land section of the boundary and I am now instructing UNIKOM to finalize such realignment with the entire international boundary between Iraq and Kuwait demarcated by the Commission.

With regard to section X.C of the final report, concerning boundary maintenance, I will make the necessary arrangements, as recommended by the Commission, for maintenance of the physical representation of the boundary. The United Nations personnel and personnel of the survey or similar organizations that will be involved in the implementation of the arrangements for maintenance of the surficial representation of the boundary are to enjoy unimpeded freedom of movement in the area of the demarcated boundary as well as all necessary privileges and immunities for the fulfilment of their task.

As stated above, the decisions of the Commission concerning the demarcation of the international boundary between Iraq and Kuwait are final. I believe that the work performed by the Commission will have a beneficial effect on the restoration of international peace and security in the area concerned, in conformity with the purposes of Security Council resolution 687 (1991). The certainty and stability of the boundary are in the best interest of Iraq and Kuwait and I expect the Governments of both countries to respect the objective and impartial results achieved by the United Nations Iraq-Kuwait Boundary Demarcation Commission.

(Signed) Boutros BOUTROS-GHALI

DOCUMENTS S/25812 AND ADD.1 TO 3

Report of the Secretary-General on the United Nations Observer Mission in El Salvador

DOCUMENT S/25812

[Original: English]
[21 May 1993]

I. INTRODUCTION

1. The present report is submitted to the Security Council in compliance with resolution 791 (1992), by which the Council decided to extend the mandate of the United Nations Observer Mission in El Salvador (ONUSAL) for a further period of six months ending on 31 May 1993 and requested me to report as necessary on all aspects of ONUSAL's operations, at the latest before the expiry of the new mandate period. It follows my

reports of 23 November 1992 [S/24833] on the overall implementation of the agreements signed between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), and of 23 December 1992 [S/25006], by which I informed the Council that the armed conflict in El Salvador had been brought formally to an end on 15 December 1992. Subsequently, in letters dated 7, 26 and 29 January and 2 April 1993 [S/25078, S/25241, S/25200 and S/25516], I informed the members of the Council of developments relating to specific aspects of the implementation of the Peace Accords.

2. ONUSAL continued to carry out the verification and related functions assigned to it under the direction of Mr. Iqbal Riza, my Special Representative, until 6 March 1993. As Mr. Riza assumed new responsibilities at United Nations Headquarters, I appointed Mr. Augusto Ramirez-Ocampo as my Special Representative and Chief of the Mission. Brigadier-General Victor Suanzes Pardo, Chief of the Military Division, served as the Interim Chief of Mission until Mr. Ramirez-Ocampo assumed his post in El Salvador on 14 April 1993.

3. The first phase of the timetable for implementation of the Peace Agreement signed at Mexico City on 16 January 1992 [see S/23501, annex] having successfully been brought to a close, the priority assigned to military aspects in the preceding period moved to other provisions of the agreements. These provisions will continue to be binding on both the Government and FMLN until their full implementation.

4. Difficulties arose in January 1993 after both sides failed to comply with some of their commitments. On 6 November 1992, the Government had undertaken to implement fully by 1 January 1993 the recommendations contained in the report of the Ad Hoc Commission on the purification (*depuración*) of the armed forces. However, this undertaking was only partially complied with and on 7 January 1993 I informed the Council [see S/25078] that in respect of 15 of the 102 officers mentioned in the report the Government had not taken measures in accordance with the Commission's recommendations and was thus not in compliance with the Peace Accords. As I reported then and in subsequent communications, I repeatedly urged President Cristiani to regularize that situation and to take the necessary action in respect of these officers. Only on 2 April 1993 was I in a position to report to the Council [S/25516] that the Government had made a commitment which, when implemented, would bring it into broad compliance with the recommendations of the Ad Hoc Commission.

5. The question of the purification of the armed forces had not been settled when the Commission on the Truth, which was to investigate the most serious acts of violence committed during the conflict, submitted its report on 15 March 1993 (see section V). Extreme positions were adopted and tension mounted as the High Command of the armed forces, the President of the Supreme Court, highly placed government officials and some political leaders, as well as segments of the media, vehemently and publicly rejected the findings and recommendations of the Commission on the Truth. There was strident criticism of the

United Nations and renewed publication of anonymous threats against ONUSAL.

6. A week after the report was published, a general amnesty was approved by simple majority in the Legislative Assembly. I expressed my concern at the haste with which this step had been taken and my view that it would have been preferable if the amnesty had been promulgated after creating a broad degree of national consensus in its favour. The amnesty was criticized by sectors of the opposition and by FMLN for the same reasons as well as for certain specific provisions it contained. The Government countered that the political parties represented in the Legislative Assembly had agreed to a possible amnesty in a document signed hours before the approval, on 23 January 1992, of the law on national reconciliation, under which FMLN members were able to re-enter El Salvador legally - though this document was cast in very broad terms and did not specify when the amnesty should be enacted.

7. For its part FMLN, after starting the destruction of the arms it had concentrated in designated locations under ONUSAL's supervision, slowed this process which, by the end of December, had come to a virtual standstill. FMLN conditioned the resumption of destruction on the outcome of discussions which it was holding directly with the Government on a number of undertakings relating to the implementation of the Peace Accords, on which agreements were finally reached on 4 February. FMLN thereupon resumed destruction of its weapons in the designated zones and the process concluded on 11 February. On 29 January I had reported to the Council on this delay [S/25200]. Destruction of FMLN weapons located outside El Salvador and of other categories of weapons was carried out subsequently (see para. 15).

8. Despite these complications, implementation of several key commitments under the Accords has continued to progress: the programme for the transfer of lands, although proceeding at a slow pace and with serious financial difficulties, is now well under way; deployment of the National Civil Police (PNC) started after the first classes graduated from the National Academy for Public Security in February 1993. Further, at the Government's request, ONUSAL has taken on the additional task of providing professional assistance to the National Civil Police. Given the considerable delays in these areas, an extraordinary effort will have to be made to ensure substantial advances before the general elections of March 1994. As was evident during the last World Bank Consultative Group meeting in April this year (see section X), the main constraint in this regard has been the preference of the donor community to finance infrastructural and environmental programmes rather than the above-mentioned peace-related programmes, crucial though they are to the successful implementation of the Accords.

9. Important progress in the implementation of other key commitments has also been made since my last report. For example, the restoration of public administration in the former zones of conflict, in particular the return of mayors and judges who had to leave their jurisdictions during the conflict, was a major achievement (see section VIII). The enactment of

legislative reforms on the judiciary, the electoral system and other vital issues of the peace process was also important. In the area of human rights, the National Counsel for the Defence of Human Rights (Ombudsman) (*Procuraduría Nacional para la Defensa de los Derechos Humanos*) has opened regional offices to discharge his duties more effectively.

10. The National Commission for the Consolidation of Peace (*Comisión Nacional para la Consolidación de la Paz*) (COPAZ), where the Government, FMLN and political parties are represented, has continued to seek consensus on various draft laws and other measures related to the Peace Accords. Although in disagreement over its mandate at this stage of the peace process, the entities that comprise COPAZ have continued to participate in plenary sessions, albeit at times at a level lower than in the past. Work has likewise proceeded in the various subcommissions of COPAZ. COPAZ has also been discussing implementation of the recommendations of the Commission on the Truth. Progress has been very slow, however, and it has not yet been possible to agree on an overall unified proposal.

11. As I informed the Security Council [*see S/25241*], on 8 January 1993 the Government officially requested the United Nations to observe the general elections scheduled for March 1994, which should mark the culmination of the peace process. Since March, attention has increasingly been focused on these elections as, in the prevailing atmosphere of freedom of expression and respect for political rights, the political parties have engaged in a lively public debate over issues, candidates and alliances. Some parties have already selected their presidential candidates. A United Nations technical mission visited El Salvador in April in order to assess requirements, in the expectation that the Council will accede to the Government's request for observation of the elections by the United Nations.

12. It is in this context that the work of ONUSAL during the current mandate period is described below, followed by my observations and recommendations.

II. MILITARY ASPECTS

A. Military Division

13. Since the formal end of the armed conflict, ONUSAL's Military Division, which remains under the command of Brigadier-General Victor Suanes Pardo until 31 May 1993, has continued to verify the remaining aspects of the cease-fire process, including the destruction of FMLN weapons and the reduction of the Armed Forces of El Salvador (FAES). It also monitors the recovery of military weapons held by private individuals, the introduction of the new armed forces reserve system and relevant aspects of other pending commitments under the armed forces chapter of the Peace Accords. In addition, the Division has contributed to the consolidation of peaceful conditions by its presence throughout the territory, particularly in the former zones of conflict and through the deployment and patrols of its military observer groups. The Division has also facilitated meetings between the teams involved in the Plan for the Prevention of Accidents from

Mines (*Plan de Prevención de Accidentes de Minas*) and monitors its execution (see para. 22). There will be a continuing need for military observers in the field, should the Council decide to renew ONUSAL's mandate.

14. In May 1993, the Military Division had a strength of 74 military observers from Brazil, Canada, Colombia, Ecuador, India, Ireland, Spain, Sweden and Venezuela and 7 medical officers from Argentina. Following the end of the armed conflict and the subsequent reduction in the number of military observers in line with the intention expressed in my report of 23 November 1992 [*S/24833, para. 13*], the Division was restructured and redeployed in two regional offices in the eastern and western parts of the country. Given the advances in the peace process, the military component of the Mission will be further reorganized and reduced after 31 May 1993. In view of the tasks still to be carried out, it would be my recommendation that the number of observers be reduced to 38, including the 7 medical officers, and headed at the level of colonel.

B. Cessation of the armed conflict

15. Following the formal end of the armed conflict, the Division closed its 15 verification centres, 6 of which were transferred to the Police Division for use by the Auxiliary Transitory Police (see para. 38). That same day saw the final demobilization and incorporation into civilian life of the remaining FMLN ex-combatants, although the destruction of their arms, which at that time stood at 65 per cent of the inventory presented by FMLN, was delayed in some verification centres since FMLN conditioned their destruction on the implementation of complementary commitments undertaken by the Government. Subsequently, the gradual destruction of conventional and sophisticated FMLN weapons, which were concentrated in El Salvador under ONUSAL control, as well as that of weapons deposited outside the country, resumed under ONUSAL's verification. By 11 February, all the arms stored in the FMLN concentration areas had been destroyed and on 1 April the destruction of arms in deposits outside El Salvador was completed. Thus effectively the arms listed in the FMLN inventory presented to ONUSAL have been destroyed, except for a small quantity of individual weapons - about 3.5 per cent of the total - which were reported lost or stolen before their scheduled destruction. ONUSAL now has in its custody a very small number of sophisticated FMLN weapons, the destruction of which FMLN had scheduled to coincide with full compliance by the Government with the recommendations of the Ad Hoc Commission, due at the end of June. This arrangement has been understood and accepted by the Government. The Military Division is currently investigating the discovery of small caches of weapons presumed to have belonged to FMLN, which have drawn strong protest from the Government.

C. Reduction of the Armed Forces of El Salvador (FAES)

16. Pursuant to the New York Agreement of 25 September 1991 [*S/23082, annex*], the Government submitted a plan for the reduction of FAES to a size which it judged appropriate to its new doctrine and functions, as established in amendments

to the Constitution that were agreed upon in April 1991. This plan provided for a 50.2 per cent reduction of FAES combatants, including demobilization of the five rapid reaction infantry battalions (*bataillones de infantería de reacción inmediata*) (known as BIRIs). The reduction was to begin on 1 February 1992 and was scheduled to end in January 1994.

17. At the end of December 1992, FAES decided to accelerate the process of reduction of the infantry battalions and to complete it ahead of schedule. As a result, the demobilization of 15 battalions which was to have been effected during the whole of 1993 was carried out in January alone. The last BIRI was demobilized on 6 February 1993 and the overall process of reduction of FAES was completed on 31 March 1993.

18. The effective reduction of FAES personnel has been greater than the 50.2 per cent envisaged in the Government's original plan and in fact has reached 54.4 per cent. A further reduction in officers is envisaged, although this is subject to the development of plans for their reincorporation in civilian life.

D. Introduction of the new armed forces reserve system

19. In accordance with the new law governing military service and reserve service adopted on 30 July 1992 [see S/24833, para. 25], 14 departmental recruitment and reserve centres have been established. Of the planned 30 subsidiary offices, only 3 will be set up during 1993, reportedly owing to lack of resources.

E. Recovery of military weapons held by private individuals

20. Under the Peace Accords the recovery of military weapons held by private individuals was to have been finalized by 28 October 1992. In fact, by the time the armed conflict ended on 15 December 1992, this process had barely started. On 22 December, the Government and FMLN established a new deadline of 31 March 1993 for compliance with this commitment, under the verification of ONUSAL. The fact that, two months later, the process remains at a virtual standstill is a source of grave concern.

21. Only 40 per cent of the arms included on the lists provided by FAES have been recovered and the number of weapons that the Division has been able to verify is even smaller. Even more disturbing is the likelihood that the FAES inventory does not include all the weapons that were distributed by FAES during the years of conflict. The Government has given various explanations for the delay in implementation, but these do not lessen the seriousness of non-compliance which engenders a sense of insecurity in the population and may even be a factor in the high level of crime in the country (see para. 44). The assurances given by the Government and FAES that they genuinely wish to move ahead on this subject must be translated into more energetic measures that will permit the full implementation of this part of the Agreement as soon as possible. This will require continuing follow-up on the part of the Military Division of ONUSAL.

F. Coordination of the clearing of minefields

22. After participating in the working group that carried out the marking of minefields [*ibid.*, para. 21], the Military Division is now engaged in the coordination of the Plan for the Prevention of Accidents from Mines. Under the Plan, mines and other explosive artifacts found in locations indicated by FMLN under ONUSAL supervision are being destroyed by a civilian company with which FAES members and FMLN ex-combatants are cooperating. Military observers are present in the area during the clearing of the minefields and issue records of proceedings on the artifacts destroyed. The European Community (EC) and countries providing funds for the Plan have expressed the desire that the execution of the programme and resulting expenditures be cleared through ONUSAL, which is considering the practicability of this request.

G. Other matters

23. According to the 22 December 1992 agreement, the Government should have published the new FAES doctrine twice in all newspapers and by way of radio commercials, so that society as a whole might be informed of it. This has not been done and therefore constitutes an unfulfilled commitment.

24. After lengthy discussions in COPAZ, it is expected that a draft law on the regulation of private security services will be submitted soon to the Legislative Assembly for approval.

III. PUBLIC SECURITY MATTERS

A. Police Division

25. The Police Division continues to perform its assigned role of monitoring and assisting the National Police during the period of transition until its replacement by the new police force established by the Accords, the National Civil Police. Since October of last year, the Division has also been supervising and supporting the Auxiliary Transitory Police (*Policía Auxiliar Transitoria*) (PAT), which is responsible for maintaining public order and security in the former zones of conflict until its replacement by the new police force. The Division has assumed additional functions as a result of the deployment of the National Civil Police in 3 of the 14 departments. In response to a request submitted by the Government and in close coordination with the international technical team that provides advice to the Director-General of PNC, the Division is evaluating the performance of the new police force in the field and providing it with technical advice and logistical support.

26. The Division has continued to assist in efforts to locate illegal arms caches and to support the Human Rights Division, to which 18 police observers are seconded. Police observers conduct special inquiries when required and ensure that appropriate security measures are provided for FMLN leaders, as established by the Accords. The Division also provides observers for the admission examinations to the National Public Security Academy.

27. The strength of the Division, which continues to be commanded by General Homero Vaz Bresque (Uruguay), is currently 315 police observers. They are contributed by Austria, Chile, Colombia, France, Guyana, Italy, Mexico, Norway, Spain and Sweden.

B. National Public Security Academy

28. The Academy, which trains the new National Civil Police, started its activities on 1 September 1992. The first two classes graduated simultaneously on 5 February 1993 and the third on 17 May 1993. Graduates have already joined PNC. Delays in the refurbishment of the premises of the Academy account at least in part for the three-month gap between the graduation of the first two classes and the third one. The Academy has announced that, henceforth, the completion of future courses, each comprised of some 300 graduates, will take place once a month. The Academy currently houses five full basic-level classes (about 1,800 trainees), one executive-level class (78 trainees) and one senior-level class (34 trainees). It has taken steps to train six full basic-level classes simultaneously. Thus, by the end of the year, about 5,500 students are expected to have joined the Academy and approximately 3,000 should have graduated.

29. The Academy has been functioning in temporary premises pending construction of permanent premises on a site which the Government purchased in December 1992. Financing will be needed for such requirements as a laboratory, library and sports and recreational facilities. Further, the Academy has to complete the construction of a firing range and facilities for practical training in police techniques, and to purchase training weapons and ammunition.

30. As I reported to the Security Council last November [*ibid.*, para. 37], the Academic Council accepted for the senior and executive levels 10 candidates from the National Police to which they had been transferred from the National Guard (*Guardia Nacional*) and the Treasury Police (*Policía de Hacienda*) after the signing of the Peace Agreement on 16 January 1992. This was done despite ONUSAL objections that this action contravened the Accords and subsequent undertakings by the Government. After undergoing four months of training abroad, these candidates joined the PNC as provisional commands (*mandos provisionales*). ONUSAL has held several discussions with the Government on this subject and has recommended that the admission of these officers be deemed exceptional so that it will not create a precedent. In order to eliminate such problems in the future, ONUSAL has recommended that a specially designed test be prepared for candidates from the National Police and for FMLN ex-combatants for the next admission examinations for the executive and senior levels.

31. The Academy has continued to receive the support of an international technical team of experts from Spain and the United States of America which provides the Director and the Academic Council with advice on aspects such as the recruitment and selection process, curricula, finances and the disciplinary regime of the Academy. Instructors from Chile, Norway, Spain and the United States of America are fully

involved in training activities. Currently, the Academy has a total of 33 international experts and instructors.

32. Since January 1993, the effective monitoring of the functioning of the Academy has been strengthened by the presence of an ONUSAL observer in the Academic Council. The Mission has also continued to monitor the admission examinations and to recommend improvements where necessary. ONUSAL is also providing support to the Academy to strengthen its training courses on human rights.

33. As the Security Council is aware, I have appealed to the international community for financial support for the Academy, which has a crucial role to play in preparing the personnel for the new police force, a key component of the Peace Accords. Although valuable, the support received so far remains insufficient and a major effort by donor Governments is required. At the same time, however, it is incumbent on the Government of El Salvador to marshal its own resources and give the Academy the necessary budgetary priority to place it on a solid footing for attracting external assistance.

C. National Civil Police

34. The territorial deployment of the National Civil Police started in March 1993 with the establishment of 18 police stations in one department. It has now reached a total of 34 stations, in 3 departments. The Government is committed to effecting monthly deployments this year in seven more departments, leaving deployments in the remaining four for 1994. It is also committed to organizing and deploying this year most of the functional divisions of the PNC. This will require additional international support, mostly in training and equipment. According to the Government's timetable, the PNC could be fully deployed and functional by September 1994. By then, the National Police should have been entirely phased out and replaced by the new police force.

35. The Government and FMLN agreed on 22 December 1992 that the personnel and equipment of the Criminal Investigation Commission (*Comisión de Investigación de Hechos Delictivos*) and the Special Anti-narcotics Unit (*Unidad Especial Antinarco-tráfico*) would be gradually transferred to the Criminal Investigation Division (*División de Investigación Criminal*) and the Anti-narcotics Division (*División Antinarco-tráfico*) of PNC, respectively. The Director-General of PNC, under the supervision of ONUSAL, will evaluate the professional competence and the capacity to function in the new police force of the personnel of these bodies, who will also have to undergo a special training course in the Academy on the new police doctrine. The planned transfer has not yet taken place.

36. The Director-General of PNC receives advice from a technical team from the United States on the organization and territorial and functional deployment of PNC. ONUSAL, in coordination with the team when necessary, provides the new police force with technical advice and logistical support and evaluates its performance in the field. The evaluations are transmitted to PNC and to the Academy. It has become evident

that PNC requires additional international support in the form of specialized equipment and training expertise.

37. In order to ensure that PNC assumes the role assigned to it in the Peace Agreement, the Director-General should continue to work closely with the COPAZ subcommittee for PNC, which serves as his advisory body in the adoption of relevant decisions or measures concerning the new police force, including those not expressly addressed in the Accords. The subcommittee should also continue its overall supervision of the establishment of PNC until it has fully replaced the National Police.

D. Special regime

38. The Auxiliary Transitory Police started its activities in early October 1992 and was deployed in 20 posts in 9 departments by the end of February. The deployment of PNC in three departments has resulted in the closure of nine of these posts. The remaining 11 will be phased out gradually as PNC continues its territorial deployment. PAT may be phased out completely if the recommendation by the Academic Council of the National Public Security Academy to replace it with PNC contingents is accepted by the Director-General of PNC.

39. The Director-General of PNC also has command of PAT. Each of its contingents is under the constant supervision and guidance of ONUSAL police observers, who also provide daily academic instruction. The Police Division provides PAT with logistical support.

E. National Police

40. The Peace Agreement stipulated that the National Police should be responsible for public order and security during the transition period until its complete replacement by PNC. Although such replacement has already taken place in 3 out of 14 departments, the reduction of the National Police has not yet begun. Rather, as I reported to the Security Council in May [S/23999, para. 30] and November 1992 [S/24833, para. 43], the National Police has been strengthened with personnel from the two former public security forces, the National Guard and the Treasury Police, and with self-contained units from one of the demobilized rapid reaction infantry battalions. The Government defends these transfers on the grounds that they are not expressly prohibited by the Accords and that the rise in common crime requires it to strengthen the National Police. However, it is ONUSAL's view, which it has communicated to the Government, that such transfers are incompatible with the thrust of the Accords and contravene their spirit, particularly when considered in the light of the slowness, in the early phases, in launching preparations for the Academy and PNC.

41. This situation results in a contradiction. The National Police was meant to be phased out gradually as the National Civil Police was deployed. Instead, it has increased significantly, not only as a result of these transfers, but also through the monthly graduation of some 60 to 100 police officers from the National Police training school which, ONUSAL recently found out, continues to operate. ONUSAL has been informed by the Government that the members of the

National Police already replaced by PNC will be redeployed to areas of the country with higher crime rates. While the Agreement did not expressly establish that the reduction of the National Police should be synchronized with the deployment of PNC, it did state very clearly that the new police force should replace the old one. For this reason, it is necessary that, at a minimum, the Government respond to ONUSAL's request for its plan for the reduction of the National Police and, in that connection, that it inform ONUSAL of its plans for the closing of the National Police training school. The Government should also inform the Mission about its plans to dissolve certain police structures, mainly the *Botallón Fiscal* (the former Customs Police), whose continued existence is evidently incompatible with that of the Finance Division of the National Civil Police.

42. Resources are available for the integration into civilian life of those members of the National Police who will be phased out as the force is reduced. Such personnel will have access to the various reintegration programmes for ex-combatants of both sides. This will help them to adjust to their new circumstances.

43. One of the avenues open to members of the National Police is that of joining PNC through the Academy. On 17 June 1992, the Government and FMLN agreed that up to 20 per cent of the vacancies could be filled by serving National Police and FMLN ex-combatants, in order to maintain a balance between candidates from both sources. It was envisaged that these candidates would be carefully screened. However, during the last admission examination, ONUSAL ascertained that a large number of National Police candidates had left that force four to six years ago, in many cases after being dismissed for disciplinary reasons, and had only rejoined after the Peace Agreement was signed. This is clearly not what was intended in the Peace Agreement and is especially disturbing when linked to the apparent reinforcement, rather than reduction, of the National Police.

F. Problems of common crime

44. In February 1993 the Government, responding to growing public concern, outlined a programme for combating common crime. Although the figures at ONUSAL's disposal do not indicate a dramatic increase in common crime since the Peace Agreement was signed, it is indisputable that the rate is very high and that the end of the armed conflict may have contributed to its being brought to the public's attention. Indeed, common crime is the single most important matter of concern in El Salvador, according to a recent opinion poll. In this light, the Government's programme is seen as a timely one. A further positive aspect is that the programme limits the participation of the armed forces to the provision of logistical support to the police forces.

IV. HUMAN RIGHTS AND THE ADMINISTRATION OF JUSTICE

45. As pointed out in the report of the Director of the ONUSAL Human Rights Division [S/25521, annex], a factual analysis of respect for human rights in El Salvador reveals a

gradual improvement, particularly when compared with that prevailing before the signing of the Peace Accords. Evidence of that improvement is the fact that not a single case of forced disappearance or torture was recorded during the reporting period (June 1992-January 1993). However, serious violations still persist with regard to the right to life, personal integrity and liberty. The gravity of these violations is underscored by their frequency and gruesome nature. They take place against a background of public insecurity generated by common crime and a high murder rate.

46. The active verification carried out by the Human Rights Division is directed not only at an objective recording of facts, but also at the exercise of good offices aimed at assisting efforts by Salvadorians to find a remedy to violations - some of them systematic - that still persist. In his report, the Director of the Human Rights Division reiterated recommendations made in his previous reports and added 22 new recommendations. ONUSAL and the Government of El Salvador are currently discussing the modalities for full implementation of those recommendations which have not yet been implemented.

47. In carrying out its tasks, the Division cooperates with Salvadorian institutions to strengthen their ability to work in promoting human rights. ONUSAL is thus actively supporting the National Counsel for the Defence of Human Rights in his effort to improve his Office's investigative capacity and to establish regional offices in order to cover the needs of the entire Salvadorian population. In addition, the Division seeks to strengthen its relations with human rights non-governmental organizations that have been working for years under difficult conditions.

48. In the immediate future, in the context of the forthcoming electoral process, the promotion of human rights will require a greater effort from the State and society at large. Full observance of civil and political rights will require the consolidation of the rule of law, one of the ultimate objectives of the Peace Accords.

V. REPORT OF THE COMMISSION ON THE TRUTH

49. The Commission on the Truth was established in accordance with the Mexico Agreements of 27 April 1991 [S/23130, *annex*]. It was entrusted with the task of investigating serious acts of violence that had occurred since 1980 and whose impact on society was deemed to require an urgent public knowledge of the truth. The Commission was composed of three international personalities appointed by the Secretary-General after consultation with the parties: Belisario Betancur, former President of Colombia; Reinaldo Figueredo Planchart, former Minister for Foreign Affairs of Venezuela; and Thomas Buergenthal, former President of the Inter-American Court of Human Rights and of the Inter-American Institute for Human Rights. Within six months of starting its work, the Commission was to transmit a final report with its conclusions and recommendations to the parties and to the Secretary-General, who would make it public and would take the decisions and initiatives that he deemed

appropriate. The parties undertook to carry out the Commission's recommendations.

50. The handing over of the report [S/25500, *annex*], a document of over 200 pages plus annexes of several hundred pages, was originally due in January but, with the parties' agreement, was postponed until 15 March 1993. The report is currently being translated into the official languages and it is hoped that it will be available for circulation as a document of the Security Council in early June.

51. The Commission received over 22,000 complaints of serious acts of violence which had occurred between January 1980 and July 1991. More than 60 per cent of the complaints referred to extra-judicial executions and more than 25 per cent to forced disappearances; more than 20 per cent included complaints of torture. The Commission's report describes about 30 cases which it deemed to fall into the category of serious acts of violence, as described in paragraph 49 above, and which were chosen to illustrate the different patterns of violence. These are classified as violence by agents of the State; massacres of peasants by the Armed Forces; assassinations by death squads; violence by FMLN; and assassinations of judges.

52. The Commission listed its recommendations under four headings:

- I. Recommendations arising directly from the results of the Commission's investigations: these relate to persons found to have been involved in the cases investigated and to certain aspects of the judicial system in El Salvador;
- II. Eradication of structural causes directly connected with the incidents investigated: these recommendations include full implementation of the Peace Accords; reforms in the Armed Forces and in the arrangements for public security; and the investigation of illegal groups;
- III. Institutional reforms to prevent the repetition of such events: these recommendations relate to the administration of justice; the protection of human rights (including the immediate implementation of some 19 recommendations already made by ONUSAL's Human Rights Division); and the new National Civil Police;
- IV. Measures for national reconciliation.

53. The Commission's recommendations require a wide range of administrative, legislative and constitutional measures, as well as certain actions by individuals. Action is required not only from the Government and FMLN but also, in particular, from the Legislative Assembly which will have to adopt new laws or revise existing ones, as well as approving and ratifying the necessary constitutional amendments (requiring majority in one legislature and ratification by a two-thirds vote in the subsequent legislature) in order to implement the recommendations. The Government and

COPAZ will have an important role in promoting the necessary legislation. The time-frame for implementation varies from recommendation to recommendation.

54. Shortly after receipt of the Commission's report, President Cristiani said, in a public statement and in a letter addressed to me, that he was willing to comply strictly with those of the Commission's recommendations which fell within his competence, were consistent with the Constitution, were in harmony with the Peace Accords and contributed to national reconciliation. At the same time, spokesmen of the Government accused the members of the Commission of having exceeded their mandate and in particular of having purported to assume judicial functions. In a letter dated 5 April 1993, Mr. Schafik Handal, the Coordinator-General of FMLN, stated that, notwithstanding a number of reservations about the Commission's report, FMLN accepted in their entirety the recommendations it contained. In some cases, however, FMLN implementation of those recommendations was conditioned on the Government's doing likewise.

55. In the light of this reaction, I instructed that a detailed analysis be made of the Commission's recommendations, examining whether any of them was outside the Commission's mandate or incompatible with the Constitution and identifying what action was required by whom and in what time-frame. I will shortly transmit this analysis to President Cristiani, to Mr. Handal as Coordinator-General of FMLN, and to the current Coordinator of COPAZ. I shall draw their attention to my obligation to verify implementation of the Commission's recommendations and to report thereon at regular intervals to the Security Council, it being my hope to submit the first such report by the end of June. I shall ask President Cristiani, Mr. Handal and the Coordinator of COPAZ to provide me with information, before then, about action which has been taken, or is planned, by the Government, FMLN and COPAZ, respectively, to implement each of the recommendations for whose implementation the United Nations analysis identifies it as having responsibility. As soon as this action has been taken, I shall circulate the analysis as a document of the Security Council.

VI. ECONOMIC AND SOCIAL MATTERS

A. Transfer of land programme

56. My 13 October 1992 proposal for land transfer [S/24833, paras. 55-60], by virtue of its acceptance by the two parties soon afterwards, in effect constitutes an addendum to the Peace Agreement. (The proposal is referred to below as the 13 October agreement.) The programme to transfer up to 237,000 mz^{*} of land to a maximum of 47,500 people, including ex-combatants of both sides and landholders (people who had occupied land without title during the conflict years), was divided into three phases. These were determined by the availability of financial and land resources.

57. For the first phase, considered an emergency one, resources were expected to be made available from October

1992 to January 1993 since the Government was providing State lands and US/AID [United States Agency for International Development] was providing financial resources. At the time the agreement was negotiated, it already was anticipated that the implementation of this phase would take significantly longer, given the numerous logistical problems involved in carrying out such a complex programme. In the first phase 15,400 beneficiaries were to receive 77,000 mz. Priority was to be given to demobilized FMLN combatants by giving them all available land that had not been legally transferred to landholders.

58. The second phase was to start as soon as the European Community made resources available, which was anticipated for February 1993. This phase was distinct from the first due to the EC requirement for equal benefit for FMLN ex-combatants and former members of the Armed Forces from all the land that had not been legally transferred to current landholders. The second phase was to end when 20,000 mz could be purchased with the EC funds. It was expected to benefit about 4,000 recipients.

59. For the third phase, which is to provide some 28,100 recipients with 140,500 mz, representing 60 per cent of the total, there are at present neither available financial resources nor land. It was roughly estimated that at the average price at which the Lands Bank (*Banco de Tierras*) had transferred comparable land during the previous year, \$85 million was needed for this phase.

60. The land transfer programme has progressed, albeit at a slow pace. The transfer of 36 State properties and 196 private properties, totalling an area of approximately 45,000 mz, has been negotiated with resources from the first phase. Once handed over, these properties will benefit 10,000 FMLN ex-combatants and landholders. This represents slightly less than 60 per cent of the area to be handed over during the first phase and covers somewhat more than 60 per cent of the beneficiaries. However, only 13 of the private properties whose transfer has been negotiated thus far, which benefit about 200 persons, have been registered; the remaining 183 are still in one of the various legal stages that precede the issuing of titles. With resources from the second phase, over 600 FAES ex-combatants have already benefited from the handing over and final registration of 11 properties totalling an area of 1,400 mz.

61. Much tension has resulted from the delays, the most serious consequence of which is that many beneficiaries will not be able to begin cultivation this planting season, which began in May. The timely granting of loans for agricultural activities is another problem, since the majority of beneficiaries have not yet received deeds to their properties and there are formal difficulties in granting them credit. Although the Government has agreed to provide credit to landholders who have already negotiated the acquisition of land, it has so far not yet agreed to provide the credit necessary for production this season to about 80 per cent of those who have not yet negotiated such acquisitions. This is a clear departure from the Peace Agreement which establishes not only that landholders shall not be evicted pending agreement

* 1 mz (*manzana*) equals 0.7 hectare.

on a solution to their land tenure, but that, moreover, they shall be given financial support to increase agricultural production. Furthermore, this implies, *inter alia*, that greater international food assistance over a more extended time than originally anticipated will be required.

62. Both sides have contributed to the delays. The original contracts for land legalization did not conform to the agreements and had to be changed. The number of landholders is likely to be significantly higher than the ceiling of 25,000 stipulated in the agreement. Not all plots of land identified meet expectations - in fact some of them have been rejected by FMLN. FMLN, on its part, has experienced a variety of difficulties in submitting the required lists of names and identification numbers of their demobilized recipients. Six months after the programme started, lists have yet to be presented for 97 of the 196 properties negotiated.

63. Another serious problem causing delay has been the slow and complicated procedure for the legal transfer of land under the direction of the Lands Bank. Consisting of 17 stages, the procedure derives from laws which in some cases are 50 years old and requires some very time-consuming steps. The Government has been working with ONUSAL and FMLN, and USAID and EC as donors, to accelerate the procedure.

64. Another source of concern is that to date the Government, despite several requests, has still not provided ONUSAL with information on the process as it relates to FAES, in particular on the negotiations between FAES and the Lands Bank. Consequently, the Mission has neither been able to verify the lists of beneficiaries, nor observe the negotiations related to the buying and selling of properties and the determination of the number of beneficiaries, as it has done in the case of FMLN ex-combatants. ONUSAL has received assurances from the Government that it will provide such information.

65. The issue of greatest concern refers to the relocation of landholders occupying plots of land whose owners do not wish to sell. This practice departs from the letter, and is certainly inconsistent with the intention and the spirit of the 13 October agreement which provides that landholders occupying lands which cannot be purchased will be relocated last. The rationale for this was based on the Peace Agreement, which stipulates that combatants of both sides were to have priority and were to be given land as they demobilized, and that landholders were not to be evicted from the land they presently occupied until a solution could be found to relocate them.

66. For different reasons, both the Government and FMLN have chosen instead to relocate landholders on land whose owners are not willing to sell. Given the financial and land constraints, this is detrimental to other potential beneficiaries. The Government is under pressure from landowners who want to recover their land after so many years of not having access to it. FMLN has been under pressure from those occupying plots of land whose owners do not want to sell, because they cannot produce without access to credit and feel pressured to leave the land. At the same time some FMLN ex-combatants

have not been willing to accept State lands offered by the Government in the expectation of getting private land closer to their families who live elsewhere. Thus, for reasons which may be expedient in the short term both sides have accepted a reversal of the sequence and an alteration of the logic of the 13 October agreement by giving priority to the relocation of landholders. This could well compromise the success of a programme which was already quite ambitious in its original conception.

67. The relocation of landholders at this stage, when hardly 22 per cent of the potential beneficiaries have negotiated the purchase of land, will put unnecessary pressure on the land transfer programme and might even cause its failure. If landowners perceive that they can get rid of people occupying their land, they will be less likely to sell or they might demand higher prices (prices more in keeping with those of unoccupied land). This is likely to create four types of problems: (a) insufficient land for all prospective beneficiaries; (b) an increased need for financial resources to finance the programme; (c) if beneficiaries have to pay very high prices for their land, servicing their debt will become very difficult; and (d) transfer of land to demobilized members of FMLN and the Armed Forces will have to be delayed because of lack of financial resources.

68. Given the prices negotiated to date with private owners (\$750 on average and rising, in comparison with the \$600 prevailing before the programme started), there will not be enough financial resources available to carry out the first two phases. For the third phase \$105 million will be needed rather than the \$85 million estimated earlier. The distortion which is occurring in the implementation of the land programme will inevitably have a deleterious effect on efforts to obtain external financial assistance, which are already proving exceedingly difficult, a problem which will be addressed in section X.

69. The credit available has not only been insufficient for the purchase of land but also for housing and crop-raising. A recent study conducted by ECLAC [*Economic Commission for Latin America and the Caribbean*] at my request has found that even under the most optimistic assumptions regarding productivity, production costs and market prices, the vast majority of beneficiaries of land transfers who limit land use to grain production could not generate enough income on their plots to cover the basic needs of their families and the servicing of their debt. This means that most beneficiaries of land transfers who do not diversify into more productive crops will have to look for additional income during the fallow months, mostly as wage earners in labour-intensive export crops during the harvest period. Medium-term credit and technical assistance would allow beneficiaries to diversify into more profitable activities.

B. Forum for Economic and Social Consultation

70. On 22 February 1993, a landmark agreement was signed at the Forum by representatives of the Government, business and labour, whereby the right of labour to associate was effectively recognized for the first time. The agreement also established the principle of a tripartite mechanism for

agreeing on ways to deal with labour conflicts. On 14 April, the Forum created a commission to facilitate the examination of 29 International Labour Organisation conventions proposed for adoption by the labour sector. Unfortunately, a stalemate has developed on four of the conventions being analysed for subsequent ratification; these relate to the right of labour to organize. This set-back threatens to obstruct work at the Forum, where discussions on the Labour Code are still pending.

C. Reintegration programmes

71. The Peace Agreement established that the main objective of the National Reconstruction Plan would be the development of the former zones of conflict, satisfaction of the most immediate needs of the population hardest hit by the conflict, and the reconstruction of damaged infrastructure. The Reconstruction Plan also provides for the taking of measures to facilitate the reintegration into civilian life of FMLN ex-combatants and war-disabled. In this context, the programmes set up by the Government for the reintegration of close to 11,000 FMLN ex-combatants in the above two categories are under way, as outlined below.

72. Concerning short-term programmes, the distribution of agricultural tools and basic household goods was completed at the end of April 1993; the agricultural training programme, coordinated by UNDP was completed in mid-April; and the programme for industrial and services training, temporarily suspended pending the allocation of more funds, is likely to continue up to August 1993.

73. As regards other programmes, the Government and FMLN have agreed to an interest rate of 14 per cent, which is below market rates, for micro-business ventures and agricultural activities. Agricultural credit will be granted to all beneficiaries who have completed negotiations for the purchase of land, even if they have not yet received their final deed. Discussions held between the Government and potential donors, with ONUSAL participation, on the funding of fellowships for high-level studies resulted in an agreement to start the programme with available AID funds while pledged resources from Germany are being transferred. The programme for housing is not yet under way.

74. Programmes for the war-disabled have encountered difficulties stemming from the failure of both sides to agree on ways to develop long-term rehabilitation. The urgency of agreeing on and implementing such programmes was highlighted by the tragic events of 20 May in San Salvador. The medical programme suffered a three-month interruption (from February to April) as a result of disagreements between the two sides on the selection of personnel for the running of the programme and of the delay in equipping the hospital. The implementation of the Law on the Fund for the Protection of War Disabled is dependent on the Government's handing over its initial financial contribution on 22 June, to the Board of Directors, which should have been sworn in at the end of April. The European Community is also contributing approximately \$46,000 to the project on registration of potential beneficiaries of the Fund. ONUSAL has had no

access to the implementation of programmes for the reintegration of FAES ex-combatants nor to information as to the financial compensation established for troops discharged as a result of the Peace Agreement.

75. A programme for the reintegration of former officers and medium-rank commanders of FMLN was agreed on 4 February 1993. It covers a maximum of 600 beneficiaries and provides for training, subsistence allowance, credit for production ventures and housing. UNDP, which is administering the training and technical assistance part of this programme, began its work in April with a view to effecting the final phase of the programme by 14 June.

VII. POLITICAL PARTICIPATION BY FMLN

76. Soon after being granted full legal status as a political party, FMLN ended its former military structure and adopted that of a political organization. A national committee of 15 members - three for each of the five groups - took over the leadership from the former five-member General Command (*Comandancia General*). A Coordinator General, Mr. Schafik Handal, was appointed with authority to represent FMLN as a political party.

77. FMLN has established a large number of party offices in municipalities throughout El Salvador. It has also held meetings to enrol new members. Local assemblies have been held and departmental conventions are to commence towards the beginning of June. At a national convention scheduled for the end of June, decisions will be taken concerning campaign strategy and tactics for the forthcoming elections, including party alliances and selection of candidates. This consultation process is developing in an atmosphere where freedom of expression is fully respected.

78. Draft legislation on special protection for high-risk personalities, which will provide appropriate security to the leadership of FMLN as well as that of other parties, was unanimously approved in COPAZ but is still awaiting consideration by the Legislative Assembly. The Government has given approval to the import of vehicles by FMLN, but action is still pending on the issuance of the required permits (*franquicias*).

79. Under the agreement of 22 December 1992, the Government had undertaken to assign to FMLN a series of radio and television frequencies by 15 January 1993. This has been partially implemented with the assignment of four frequencies (three FM and one AM), two of which have been activated. However, FMLN has not been assigned any frequencies for UHF television or short-wave radio broadcasts.

VIII. RESTORATION OF PUBLIC ADMINISTRATION IN THE FORMER ZONES OF CONFLICT

80. An advance of special significance is that public administration has now been fully restored in the former zones of conflict. As the members of the Council will recall, this process took place in two stages. When the Peace Agreement was signed, 68 of the 262 mayors of El Salvador were away

from their jurisdictions. Soon after the signing of the Agreement, 24 of them returned to these and were followed soon afterwards by almost the same number of judges. Opposition by local community organizations to the return of the remainder of the mayors and resistance by the latter to negotiating with the former on a framework for their return effectively halted the process. Under arrangements subsequently negotiated by ONUSAL, 42 of the 44 mayors returned to their jurisdictions by mid-February 1993. Similarly, most of the judges have also returned, with the exception of a few who have been unable to do so for lack of adequate premises in which to carry out their functions.

81. By mid-April 1993 all the mayors who had returned had organized public town meetings (*cabildos abiertos*) for the purpose of identifying projects for the reconstruction of their communities. In addition, these meetings served to elect representatives to municipal reconstruction and development commissions (*comisiones de reconstrucción y desarrollo*) made up of the mayor and his municipal council and an equal number of members elected by the community. One of the commissions' main functions is to select for financing by the Secretariat for National Reconstruction the most important reconstruction projects from among those put forward by the townspeople. Through this procedure, nearly 400 projects were submitted to the Secretariat for National Reconstruction between 15 October 1992 and 16 April 1993. Funds have been earmarked for this purpose in the National Reconstruction Plan. However, according to information received by ONUSAL, the Secretariat has to date disbursed funds for only a small number of the projects requested. ONUSAL expects the Government to take urgent steps to accelerate the feasibility studies for these projects and their financing, as delays are creating resentment and frustration among those who have helped to reconcile the communities most divided by the war but are unable to initiate reconstruction for lack of support.

IX. ELECTORAL SYSTEM

82. In December 1992, the Legislative Assembly approved by consensus a new Electoral Code the text of which had required protracted discussions in COPAZ. In a letter addressed to me by President Cristiani on 8 January 1993, the Government of El Salvador formally requested United Nations observation of the elections for the presidency, the Legislative Assembly, mayors and municipal councils, due in March 1994. The process would encompass the period prior to, during and after the elections. On 26 January, I informed the Security Council of the request [S/25241], pointing out that these would be the first elections to be held after the end of the armed conflict and that they would mark the culmination of the peace process. I urged the Security Council to accede to this request.

83. A technical mission visited El Salvador from 18 to 28 April. The purpose of the mission was to define the terms of reference, concept of operations and financial implications of expanding the ONUSAL mandate to include the observation of the electoral process. During its visit, the technical mission held several meetings with the Supreme Electoral Tribunal, COPAZ and the political parties. Its report - the main findings

of which are summarized below - is available to the Council upon request.

A. Main findings of the mission

84. Based on prior experience in Nicaragua, Haiti, Angola and Eritrea, United Nations observation requires wide geographical and chronological coverage in order to monitor the conformity of electoral practice to patterns implicit in free and fair elections. This fosters acceptance among all concerned of the legitimacy of the process and its final outcome. In El Salvador, the task will be greatly facilitated by the knowledge and experience that ONUSAL has accumulated since its inception in July 1991.

85. The main areas of concern identified by the technical mission revolve around the serious inadequacies of the existing electoral roll and the difficulties encumbering the timely issue of electoral documents. The foremost deficiencies are:

(a) The large number of names belonging to expatriates or to dead persons; and insufficient controls at the national level to avoid double registration. Although both factors could result in multiple voting, that risk can be minimized through controls made possible by the new equipment available to the Data Processing Centre, and through procedures that effectively prevent any person from voting more than once, such as the use of indelible ink;

(b) Differences between the names included in the electoral rolls and those in the electoral cards, and/or persons with valid electoral cards whose names did not appear in the electoral rolls. These resulted in a considerable number of citizens not being able to exercise their right to vote at the legislative and municipal elections of March 1991;

(c) There is a large number of citizens who are not included in the electoral roster. Although no reliable data are available, it is estimated that about one third of the potential voters are not included in the electoral rolls or do not have a valid electoral card. As electoral registration is voluntary in El Salvador, it would be unrealistic to expect the electoral rolls to provide a full coverage. However, there are clear indications that this large percentage of non-registered voters cannot be attributed to lack of interest, but rather to problems in the registration process. Abundant circumstantial evidence exists that problems in this area are massive. In many cases, potential voters are required to go to the registration centres repeatedly before obtaining their document which, despite the 30-day time-limit established by law, is frequently issued with several months' delay. In some cases, registration is denied because validation cannot be achieved owing to the fact that the electoral authorities have not been able to obtain or process the person's birth certificate;

(d) In order to detect and correct existing mistakes, the Supreme Electoral Tribunal launched a campaign which failed to produce significant results. However, although the campaign was not aimed at increasing registration, the number of requests for registration more than tripled during the campaign. This unexpected result indicates what could be

achieved by a massive effort to increase the number of registered voters. Operational adjustments to registration procedures and a well-designed campaign conceived to reduce drastically the number of non-registered citizens are essential pre-conditions for achieving a broad consensus on the legitimacy of the electoral process.

86. One of the daunting problems faced by both the electoral authorities and the observation mission is the scarcity of reliable data. Adequate data on the number of non-registered voters would be available through questions included in the sample (*muestra de verificación*) used by the census authorities to verify the census data. But it will be necessary to improve the information on the factors restricting registration so that the registration drives organized by the electoral authorities are based on solid grounds. It would also be important to improve the knowledge and understanding of the registration process. This would allow the electoral authorities to improve their case when explaining to the public the reasons for the failure to provide adequate responses to requests for registration. The improved information will also help to avoid a large number of requests in the few weeks before the closing of registration. It will also permit the establishment of a factual starting-point for the observation process.

87. Political parties represented by their Secretaries-General in the inter-party commission (*Interpartidaria*) have conveyed their concerns about the registration process to the Supreme Electoral Tribunal and urged the establishment and effective functioning of the Board of Vigilance of the political parties which, in accordance with the Electoral Code, should closely monitor the work of the Tribunal.

B. Terms of reference

88. The electoral component of ONUSAL should observe the electoral process before, during and after the elections in order to:

(a) Verify that measures and decisions taken by all electoral authorities are impartial and consistent with the holding of free and fair elections;

(b) Verify that appropriate steps are taken so that qualified citizens are included in the electoral roster, thus enabling them to exercise their right to vote;

(c) Verify that mechanisms are in place effectively to prevent multiple voting, given the unfeasibility of screening of the electoral roll prior to the elections;

(d) Verify that freedom of expression, organization, movement and assembly are respected without restrictions;

(e) Verify that potential voters have sufficient knowledge of the mechanisms for participating in the election;

(f) Examine, analyse and assess criticisms made, objections raised and attempts undertaken to de-legitimize the

electoral process and, when required, convey such information to the Supreme Electoral Tribunal;

(g) Inform the Supreme Electoral Tribunal of complaints received regarding irregularities in electoral advertising or possible interferences with the electoral process; when appropriate, require information on corrective measures taken;

(h) Place observers at every polling site on election day to verify that the right to vote is fully respected;

(i) Assist the Special Representative of the Secretary-General in preparing periodic reports to the Secretary-General, who will in turn inform the Supreme Electoral Tribunal and report to the Security Council as necessary.

89. In carrying out its functions, the Electoral Division, under the overall authority of my Special Representative, will coordinate its activities with those of the Human Rights, Police and Military Divisions in their respective spheres of competence.

C. Concept of operations

90. In order to carry out these duties, I recommend that an Electoral Division be established as part of ONUSAL in five stages, as follows:

1. 1 to 30 June 1993. Preparatory stage, devoted to organization at the central and regional levels;

2. 1 July to 15 December 1993. Main tasks would be verifying citizens' registration and following political activities;

3. 16 December 1993 to 14 March 1994. Efforts should concentrate on observation of the electoral campaign;

4. 15 to 31 March 1994. Observation of the elections, counting of votes and announcement of results;

5. 1 to 30 April 1994. Observation of a possible second round of elections for the presidency (Should the first round yield a definitive result, the activities of the Division would conclude on 31 March 1994.)

91. The main tasks of the electoral observers would be to monitor electoral irregularities, receive complaints and convey them, as appropriate, to electoral authorities; observe political meetings and demonstrations; follow up and assess electoral advertising and electoral-related reporting in the media. The information thus collected should be the basis for analysing trends and acting upon them as required. These activities should be carried out in close coordination with the Human Rights and Police Divisions.

92. On election day, the number of observers should increase so as to permit monitoring at every polling site. The Mission should verify the counting of votes and make

projections for its own use and possibly for sharing with the Supreme Electoral Tribunal.

93. The electoral observation would continue after election day to cover all aspects related to the counting of votes and possible challenges to results. The observation would conclude with the official proclamation of final results by the Supreme Electoral Tribunal.

X. ECONOMIC AND FINANCIAL IMPLICATIONS OF IMPLEMENTING THE PEACE ACCORDS: THE NEED TO SUPPORT POST-CONFLICT PEACE-BUILDING

94. National reconciliation and the consolidation of peace in El Salvador demand that the Peace Accords be implemented. While this requires the political will of the parties, financing is also critical to the success of programmes directly related to the Accords whose objective is to consolidate the peace. This applies particularly to programmes for the reintegration of ex-combatants into the economic, social and political life of the country; the creation of new institutions and the modernization of others that are essential for the construction and strengthening of a democratic society; emergency aid to poverty-ridden sectors of the population, especially in the former conflict areas; and the rehabilitation of infrastructure and basic services damaged or interrupted as a result of the conflict.

95. At the same time as El Salvador is consolidating peace on the basis of the Peace Accords, it is carrying out a stabilization and structural reform programme to improve its productive capacity and the welfare of a large segment of the population which has been severely affected by years of war. Reconciling the two processes is problematical since the financing of the many peace-related programmes has economic and financial implications that often conflict with efforts to stabilize the economy.

96. At the Consultative Group Meeting of donor countries that took place in Paris in April this year, the Government requested financing for priority programmes which are an integral and indispensable component of the framework for peace. These included programmes for the reinsertion of ex-combatants into productive activities and those relating to the strengthening of democratic institutions. The Government also requested financing for poverty alleviation, both in areas covered by the National Reconstruction Plan and in others. Excluding the latter, the financing needed for programmes directly related to the Peace Agreement amounts to close to \$1.2 billion. Of this total the Government had already committed over \$300 million and the international community less than \$300 million and there was a gap of about \$600 million that remained to be filled.

97. Because of the urgency of financing these projects, the Government requested quick-disbursing funds which could be channelled directly or through "cofinancing" or "parallel financing" of policy-based loans. In addition to the advantage of quick financing, this would have given the Government flexibility in financing its priority projects. At the request of

the parties, I wrote to the Ministers for Foreign Affairs of donor countries supporting the Government's request and reaffirming my belief that the success of the programmes to which the Government must attribute high priority and for which financing has been requested is essential to the building and consolidation of peace.

98. The response of the donor community has not yet lived up to expectations. Although pledges were slightly more than the \$800 million gap which the Government was trying to finance in the period 1993-1996, donors showed a clear preference for financing specific projects, mostly in infrastructure and the environment. Thus, of the close to \$600 million gap for programmes resulting from the Peace Accords, very little external financing is envisioned. For this year alone, \$220 million will be needed for the reinsertion of ex-combatants into productive activities (purchase of land, agricultural credit, housing, credit for small enterprises, pensions for the disabled, etc.) and for the promotion of democratic institutions (National Civil Police, National Public Security Academy, human-rights-related activities, the judiciary, and activities related to the coming elections).

99. Implementation of the agreements should not, however, be conditioned on the availability of foreign financing. Should there be a shortfall in this type of financing, as there will probably be, the Government will need to make adjustments in its economic programme. The study by ECLAC (see para. 69 above) found that there seems to be some room for flexibility as regards some of the targets imposed by the stabilization programme. In particular, a less restrictive ceiling on public expenditures and on the use of international monetary reserves could be adopted. At the same time, the Government needs to strengthen its fragile fiscal situation, particularly by discouraging tax evasion and reallocating expenditure, so as to make it more compatible with times of peace. While it is clear that the Government needs to make a further effort, the support of the international community in this post-conflict peace-building phase is essential.

XI. FINANCIAL ASPECTS

100. By its resolution 47/223 of 16 March 1993, the General Assembly authorized the Secretary-General to enter into commitments for the operation of ONUSAL, subject to the review by the Security Council of the mandate of the Mission, at a rate not to exceed \$2.9 million gross (\$2.7 million net) per month for the period beyond 31 May 1993. This authorization is subject to the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions.

101. The cost of maintaining ONUSAL during the extension period, including the strengthening of the Mission to include verification of the general elections, will entail additional expenses. A preliminary cost estimate of the establishment of the electoral component of the Mission will be provided in an addendum to the present report.

102. As of 7 May 1993, unpaid assessed contributions to the ONUCA [*United Nations Observer Group in Central*

America/ONUSAL special account for the period from inception through 31 May 1993 amounted to \$26,762,272.

XII. OBSERVATIONS

103. I am glad to be able to report to the Security Council that, 16 months after the cease-fire took effect, the peace process in El Salvador has advanced significantly and is on course. Among its achievements are full respect by both parties for a prolonged cease-fire, the celebration of the formal end of the armed conflict on 15 December 1992, and the conversion of FMLN from an armed movement into a political party. As a result, two of the major goals of the Peace Accords were achieved.

104. This success has been accompanied by significant progress towards other principal objectives - the establishment of civilian control over the military, the beginnings of the establishment of a civilian police force, the reunification of Salvadorian society and the democratization of national institutions, with full respect for human rights. Both the Government of El Salvador and FMLN have demonstrated will and determination to resolve their country's problems democratically through political means, abandoning armed confrontation and conflict. They deserve recognition for accepting what seemed to both of them at times the risks of ending the armed conflict and allowing the Salvadorian people to decide democratically how they should be governed.

105. As the preceding sections of this report indicate, the path to national reconciliation has not been without difficulties. These have arisen partly from the inevitable polarization and distrust, partly from conflicting interpretations of the Peace Accords, partly from efforts by each side to extract the maximum advantage from implementation of these Accords and partly from the inability of administrative structures on both sides to handle the demands of implementing complex agreements which reach into the very heart of the country's society and economy. Yet the predominating characteristic of the Salvadorian peace process has been its irreversibility.

106. At the same time, problems still exist. Efforts are required to ensure that they do not become obstacles to the continuing fulfilment of the two parties' undertakings. Both sides must intensify their joint efforts, with the support of ONUSAL, to accelerate the lands transfer programme so that the reintegration of former combatants into civilian life is expeditiously effected and a fair solution is found for those who occupied land during the war years. The establishment of a major new national institution, the National Civil Police, which has been bedeviled by delays, uncertainties and departures from the Accords, must also proceed quickly.

107. In the field of law and order, there are two points where special efforts are required from the Government. One is to begin the phasing out of the National Police, to which the Peace Agreement assigned only a transitory role, pending deployment of the National Civil Police. As indicated above, the continued strengthening of the National Police is inconsistent with the Accords and with the role of the National Civil Police as the only police authority in the country. This is

a particularly sensitive issue in the context of the forthcoming elections.

108. The second is the recovery of assault weapons, of which large numbers remain in unauthorized hands. This aspect, too, could raise tensions during the electoral process, apart from contributing unnecessarily to the high level of common crime. I call upon the Government of El Salvador to fulfil both of these undertakings. They are major elements of the Peace Accords and their neglect would endanger the country's democratization and stability.

109. I am glad to be able to confirm to the Council that the long-delayed implementation of the recommendations of the Ad Hoc Commission on the purification of the armed forces is now on its way to completion, as reported to the Security Council in my letter of 2 April 1993 [S/25516]. I wish to express my high appreciation to the members of the Commission, Mr. Abraham Rodriguez, Mr. Eduardo Molina Olivares and Mr. Reynaldo Galindo Pohl for having so conscientiously discharged a difficult duty to their country.

110. The question of implementing the recommendations of the Commission on the Truth has given rise to controversy and remains outstanding. This is another central element of the Peace Accords and is essential to the sometimes painful process of national reconciliation which is so vital to the building of peace. It is critical to the process that the parties should exercise leadership in this regard, in conformity with their commitment under the Peace Accords. As reported above, I am communicating to the Government and FMLN, as well as to COPAZ, which has a central role in this matter, my analysis of the action which has to be taken if I am to be able to confirm to the Security Council that the parties have fulfilled their solemn commitment to carry out the Commission's recommendations. Meanwhile, I wish to express my gratitude to the members of the Commission, Mr. Belisario Betancur, Mr. Reinaldo Figueredo and Prof. Thomas Buergenthal, for their singular devotion to their complex and delicate task.

111. The Commission on the Truth has drawn attention to flaws which still exist in the judicial system. These inhibited the Commission from recommending that the results of its investigation should be referred to the judiciary. While some reforms have been carried out, the Constitutional and legislative reforms enacted since April 1991 did not fully reflect the agreements reached in Mexico that month. The implementation of the recommendations of the Commission on the Truth in this respect will go a long way to repairing this problem and should be given priority.

112. The elections in 1994 are likely to be the culminating point of the entire peace process. It is only when the Salvadorian people have been able to choose their President, their representatives in the Legislative Assembly and their mayors, through free and fair elections, that peace will have been consolidated in El Salvador. This presupposes an electoral process which enables all qualified Salvadorians to vote and which is free of any intimidation against parties or voters. The Supreme Electoral Tribunal has a heavy

[Original: English]
[24 May 1993]

responsibility to ensure the registration of all who want to vote, the ability of all parties to campaign freely and the impartial conduct of a fair election. Much remains to be done, especially as regards registration, and the Tribunal will receive full cooperation from ONUSAL should the Security Council approve my recommendation that the Mission be authorized to observe the electoral process.

113. It is to be emphasized, however, that the successful conclusion of this peace process can be achieved only if the necessary financing is forthcoming. As has been made clear in various sections of the present report, two of the programmes - those relating to land and the new police force - do not at present have an adequate basis of financial support. Yet they are central to the Peace Accords and their failure or curtailment could threaten all that has been achieved. This state of affairs requires an urgent response both from the international donor community and from the Government. The Government's request at the Consultative Group Meeting in Paris last month for peace-related projects, which had my full support, did not receive the response which had been hoped, with the result that the problem has become acute. Further appeals for international support will be made. But this situation will have underlined to the Government that the implementation of the Peace Accords cannot depend entirely on external financing; it is the Government's responsibility, both as signatory to the Accords and as the Government of El Salvador, to define fiscal policies and public expenditure priorities which will enable it to fulfil its commitment to full implementation of the Accords.

114. In the light of the considerations and observations presented in this report, I recommend to the Security Council that it renew until 30 November 1993 the mandate of ONUSAL, and that it authorize the addition to it of an Electoral Division to observe the elections. It would be my intention to recommend, by that date, a further renewal of the Mission's mandate to enable it to complete its verification of the elections and to remain in El Salvador for a short transition period immediately thereafter.

115. At a time when all other continents are experiencing savage conflict and massive violation of human rights, the reconciliation and acceptance of pluralism in El Salvador is a remarkable example to the world. I pay tribute to the parties to the Peace Accords, especially to President Cristiani and FMLN leadership, and to all Salvadorians, for their response to the opportunity now offered to them to escape from the suffering and losses of long years of war and to rebuild peace in their country.

116. I also wish to express my appreciation to the United Nations agencies in El Salvador and to the non-governmental organizations that have contributed to the peace process, as well as to all the members of ONUSAL for their dedicated efforts, under the direction of my Special Representatives, Mr. Iqbal Riza and, now, Mr. Augusto Ramirez-Ocampo, to restore peace and reconciliation in El Salvador.

1. As I indicated in document S/25812 above, it is my intention to enlarge the United Nations Observer Mission in El Salvador (ONUSAL) to include an electoral component for the purpose of observing and verifying the Salvadorian general elections scheduled for March 1994 until the proclamation of final results by the Supreme Electoral Tribunal of El Salvador. This is in response, as outlined in the main report, to the request of the Government of El Salvador.

2. In order to permit ONUSAL to carry out these expanded responsibilities it will be necessary to add an Electoral Division which will operate within the framework of the existing regional offices. These offices will require a total of 38 international personnel, including administrative support staff, and 7 local staff.

3. During the polling itself, 900 electoral observers will be required. Of these, it is anticipated that 320 will come from existing personnel of ONUSAL, 330 from the United Nations Development Programme, other United Nations agency personnel in El Salvador and volunteers from selected non-governmental organizations and the remaining 250 from the Secretariat and/or Member States. There will also be additional requirements for premises, transport operations, communication and miscellaneous equipment, supplies and services, and public information programmes.

4. Should the Security Council decide to expand the mandate of ONUSAL as set out in the main part of the present report, it is estimated that the additional cost of the expansion for the 11-month period from 1 June 1993 until 30 April 1994 would be approximately \$7 million. A breakdown of the estimated cost by main categories of expenditure is provided for information purposes in the annex to the present addendum.

5. It would be my recommendation to the General Assembly, should the Security Council decide to expand the mandate of ONUSAL, that the additional cost relating thereto should be considered an expense to the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to the ONUSAL special account.

ANNEX

Cost estimates of the expansion of the United Nations Observer Mission in El Salvador from 1 June 1993 to 30 April 1994

(Thousands of United States dollars)

- | | |
|---|-------|
| 1. Civilian personnel, including travel to the mission area | 5 940 |
| 2. Premises, rental and maintenance | 50 |

3. Vehicle operations	65
4. Communications	50
5. Miscellaneous equipment	40
6. Miscellaneous supplies, services, freight and support costs	525
7. Public information programmes	350
TOTAL	7 020

DOCUMENT S/25812/ADD.2

[Original: English]
[25 May 1993]

1. Section VI A of document S/25812 above contains a number of references to the proposal of 13 October 1992 on land transfers. This proposal was made to the Government of El Salvador and to the Frente Farabundo Martí para la Liberación Nacional (FMLN) and accepted separately within a few days by each of the two parties. It is a supplement to the Peace Agreement signed in Mexico City on 16 January 1992 and should be deemed an integral part thereof.

2. In order to facilitate the Security Council's consideration of the report, the text of the proposal, together with a summary, is circulated herewith for the information of the members of the Security Council.

ANNEX I

Proposal on land transfers

[Original: Spanish]

I. INTRODUCTION

1. The proposal in this document is being made within the framework of United Nations verification of compliance by both Parties with the agreements between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) as at 15 September 1992, according to the timetable adjusted on 19 August 1992.

2. After examining the agricultural situation in El Salvador, the short-term availability of and future prospects for land and financial resources, the economic constraints facing the country and the conditions imposed by donor countries, and taking into account the needs of former combatants of both parties and of current landholders in conflict zones, the Secretary-General is submitting the following proposal for the implementation of the relevant parts of the agreements.

II. CONSIDERATIONS

A. Potential beneficiaries

3. Former combatants of FMLN and the Salvadorian armed forces aged 16 years or over on D-Day (1 February 1992) will be beneficiaries of the land transfer, irrespective of their family situation. Landholders of lands within former conflict zones, as defined in the

Agreement, including returnees living in these zones, would also be beneficiaries.

4. Land will be transferred to a maximum of 47,500 people (broken down approximately as follows: 7,500 former combatants of FMLN, including the war-disabled; 15,000 former combatants of the Salvadorian armed forces; and 25,000 landholders).

B. Size of lots

5. Taking into account the various factors which determine the viability of a plot of land for supporting a family, such as soil type, productive potential, type of production, technology, employment, market, infrastructure, etc., it has been decided to apply the criterion of the Salvadorian Institute for Agrarian Reform (ISTA) whereby the size of a lot varies according to soil type as follows:

Type of soil	Size
I - II	2 manzanas
III - IV	3 manzanas
V - VI	5 manzanas
VII - VIII	7 manzanas

According to this criterion, 2 manzanas of soil types I and II would be equivalent to 5 manzanas of types V and VI.

6. If land owners are willing to sell, landholders will remain on the lots they currently occupy, provided these are no larger than the maximum established in the above table and no smaller than half that size. If they are resettled, they would be assigned equivalent land using the same criteria.

C. Payment terms and award of land

7. The Government of El Salvador will have to ensure that former combatants of both parties and landholders are able to secure the amount of land indicated above.

8. Based on the average price paid by the Land Bank, total estimated resources will be sufficient to purchase the amounts of land specified. Measures would be taken to protect the market against speculation.

9. With regard to the payment terms for beneficiaries, the terms laid down by the agrarian reform (payment over 30 years, 6 per cent annual interest rate and 4-year grace period) are considered acceptable. If revolving funds are established, efforts will be made to ensure that the benefits are distributed equitably.

10. The decision as to whether land should be awarded on an individual or group basis should, in principle, rest with beneficiaries, bearing in mind that beneficiaries of the agrarian reform are clearly given this choice. In the case of lands purchased through the Land Bank, the *pro indiviso* formula could be used if some buyers want to form associations. Both the associative and the *pro indiviso* formulas will expedite the transfer and assignment of lands. However, in some cases it may be necessary to comply with the conditions laid down by donor countries for the use of resources.

III. CONSEQUENCES

A. Total land required and land currently available

11. For the purpose of calculating land requirements and taking into account the distribution of the different lands in El Salvador, the average size of the lots to be awarded will be taken to be 5 manzanas. Given the number of potential beneficiaries, between 175,000 and

237,500 manzanas would be required, depending on whether landholders have, on average, the minimum or the maximum permitted number of manzanas.

12. Available land is estimated at 85,000 manzanas. This includes State lands already verified (25,000 manzanas), lands in excess of 245 hectares (13,000 manzanas), lands offered for sale to the Land Bank in the municipalities given priority under the National Reconstruction Plan (27,000 manzanas) and lands offered for sale to the Land Bank in the rest of the country (20,000 manzanas).

13. The total land available will be determined once the Special Agrarian Commission of the National Commission for the Consolidation of Peace (COPAZ) has completed verification of the land inventory submitted by FMLN.

B. Total resources required and resources currently available

14. Using as a basis the average price of sales conducted through the Land Bank up to 31 August 1992, namely \$600 per manzana, the total resources required would be between \$105 million and \$143 million. The amount actually disbursed will be less if more State lands become available.

15. Resources of approximately \$46 million will become available between now and February 1993, comprising external funding (\$23 million) and internal funding equivalent to the estimated value of State lands (\$23 million). Additional external resources totalling \$12 million would become available in February 1993.

16. As the programme advances and lands are transferred, the Secretary-General will use his good offices to support efforts to obtain additional financial resources as a substantive contribution to the peace process.

C. Phases for the land transfer

17. The Government of El Salvador will draw up a land transfer programme immediately according to the following timetable:

(a) *First phase (emergency plan):* October 1992 to January 1993. During the first phase, which would cover approximately 15,400 beneficiaries, priority will be given to former combatants of FMLN, who would obtain all the land still available once the situation of current landholders had been legalized. Land would be assigned to former combatants in the following order:

- (i) Forty-two State properties which have already been verified (where there are already landholders);
- (ii) Other State properties (ISTA or others);
- (iii) At the same time, negotiations would be conducted for private properties: those already verified (63 out of 115), those on the FMLN inventory giving priority to the list of 537 and those already offered to the Land Bank.

The \$46 million available in this phase would make it possible to transfer 77,000 manzanas at an average price of \$600 per manzana. This involves 38,000 manzanas of State-owned land of an estimated value of \$23 million and the purchase of 38,500 manzanas.

(b) *Second phase:* February to April 1993, subject to land availability. During this phase, \$12 million would be available for the purchase of 20,000 manzanas. Lands totalling 8,000 manzanas would be available and an additional 12,000 manzanas would be required. Using the same average price, it would be possible to transfer land to a maximum of 4,000 beneficiaries, of whom 1,600 could be settled immediately while the remaining 2,400 would have to wait until the additional 12,000 manzanas became available. On lands where the

situation of current landholders has not been legalized, land would be divided equally between former combatants of FMLN, if there are any left over from the first phase, and former combatants of the Salvadorian armed forces.

(c) *Third phase:* This would begin once the second phase was complete. In this phase, land would be assigned to the remaining 28,100 beneficiaries. Approximately 140,500 manzanas would have to be purchased, for which \$85 million in additional funding would be required. Former combatants of the Salvadorian armed forces will obtain land where there are no landholders until they have all been settled. Thereafter, landholders on lands whose owners do not wish to sell will be resettled.

18. In order to guarantee the tenure of beneficiaries who have been awarded land, pending completion of the entire legalization process, it is recommended that all beneficiaries be given temporary deeds of transfer as provisional title to the land.

19. Vigorous efforts and good faith on the Government's part will be needed to meet these targets. To permit the rapid transfer of lands, mainly through purchase and sale contracts, it is recommended that the operational capacity of the Land Bank and ISTA and of the Financiera Nacional de Tierras Agrícolas (FINATA) be strengthened if necessary. It is assumed that the Government of El Salvador would bear the operating costs. Technical assistance in implementing the land transfer programme could be requested from the World Bank and the Food and Agriculture Organization of the United Nations (FAO).

D. Organizational plan

20. In view of the exceptional nature of the land transfer programme under the Peace Agreement and the urgent need to implement it, a management and coordination unit should be set up as the executive authority for directing and coordinating the action of the Ministry of Agriculture and Livestock, ISTA, the Land Bank and FINATA in all matters related to the implementation of the land transfer programme.

21. In addition, to facilitate implementation of the programme, an oversight committee will have to be set up comprising representatives of the Parties (the Government of El Salvador and FMLN) and of COPAZ (in the person of the Acting Coordinator of the Special Agrarian Commission). The United Nations Observer Mission in El Salvador (ONUSAL) will also be represented on the committee in order to provide verification and advisory services. The committee's functions will include cross-checking information on landholders and former combatants and monitoring implementation of the programme. It may need an auxiliary body to assist it in identifying lands for purchase and sale and may propose legal, administrative or other measures to facilitate the land transfer.

22. The activities of this committee are without prejudice to the mandate of the Special Agrarian Commission of COPAZ, whose verification work it complements.

23. The chief of the management and coordination unit will immediately begin drawing up the emergency plan to implement the land transfer programme without delay, setting targets and deadlines. This plan, and the overall programme, will be submitted to the above-mentioned oversight committee for consideration to ensure the full cooperation of all parties concerned.

E. Guarantees after the cessation of the armed conflict

24. Since the land transfer process will continue after the cessation of the armed conflict is complete, pending a satisfactory legal solution of the definitive land tenure system in conflict zones, the Government

will guarantee landholders in these zones that they will not be evicted and that the status quo will be preserved until the situation is resolved. It will inform landowners of this decision, taken within the framework of the Peace Agreement, by means of a widely circulated public notice and, if necessary, will issue a decree to this effect. FMLN, for its part, will do its utmost to prevent any illegal occupation of lands.

25. Former combatants of FMLN will receive a certificate of land transfer entitlement when they are reintegrated into civil, institutional and political life. Former combatants will be able to apply to the oversight committee, through their representatives, to settle any outstanding cases of land transfer.

ANNEX II

Summary of the land transfer proposal

[Original: Spanish]

RELEVANT CONSIDERATIONS

Total number of potential beneficiaries

47,500 maximum (7,500 former combatants of FMLN, 15,000 former combatants of the Salvadorian armed forces, 25,000 landholders).

Size of lots

Type of soil

Size
(manzanas)

I - II	2
III - IV	3
V - VI	5
VII - VIII	7

If landowners are willing to sell, landholders will remain on the lots they currently occupy, provided these are no larger than the maximum size given in the above table and no smaller than half that size.

Total land required (for purposes of calculation, the average size of the lots to be awarded to former combatants will be taken to be 5 manzanas and the average size of landholders' lots will be taken to be between 5 manzanas maximum and 2.5 manzanas minimum):

175,000 to 237,500 manzanas (depending on the average maximum and minimum size of the lots occupied by landholders)

(a) 112,500 manzanas (22,500 x 5 manzanas, taken to be the average size of lots for former combatants);

(b) 62,500 manzanas (25,000 x 2.5 manzanas, taken to be the minimum size of landholders' lots);

(c) 125,000 manzanas (25,000 x 5 manzanas, taken to be the maximum size of landholders' lots).

Value of the land to be transferred (for purposes of calculation, the average price of sales conducted through the Land Bank up to 31 August 1992 will be used. Namely, \$600 at an exchange rate of \$1 to 8.5 colones): \$105 to \$143 million

Land available or which could be purchased: Approximately 85,000 manzanas in four categories:

(a) Verified State lands (25,000 manzanas);

(b) Lands in excess of 245 hectares (13,000 manzanas);

(c) Lands offered to the Land Bank (27,000 manzanas in conflict zones);

(d) Lands offered to the Land Bank (20,000 manzanas outside conflict zones).

Resources which will become available between now and February 1993

External resources:

Immediately available: \$23 million (United States Agency for International Development)

Available in February 1993: \$12 million (European Economic Community)

Internal resources:

State lands and lands in excess of 245 hectares (38,000 manzanas at \$600): \$23 million

Three phases of programme implementation:

(a) *First phase:* October 1992-January 1993

Resources available: \$46 million

Land which can be purchased: 77,000 manzanas

Beneficiaries: 15,400 people

Distribution of land: Former combatants of FMLN will obtain all land where there are no landholders.

Note: 8,000 manzanas remain available for the second phase (85,000 manzanas minus the 77,000 manzanas used in this phase).

(b) *Second phase:* February to April 1993, subject to land availability.

Resources available: \$12 million

Land which can be purchased: 20,000 manzanas

Beneficiaries: A maximum of 4,000 people (of whom 1,600 can be settled immediately on the 8,000 manzanas available; the remaining 2,400 will have to wait until an additional 12,000 manzanas become available).

Distribution of land: All land where there are no landholders will be divided equally between FMLN and the Salvadorian armed forces.

(c) *Third phase:* following completion of the second phase.

Remaining beneficiaries: 28,100 people

Land needing to be purchased: 140,500 manzanas

Additional resources required: \$85 million

Distribution of land: Former combatants of the Salvadorian armed forces will obtain land where there are no landholders until they have all been settled. Thereafter, landholders on lands whose owners do not wish to sell will be resettled.

[Original: English]
[25 May 1993]

Section V of document S/25812 above describes the action taken by the Secretary-General in connection with the report of the Commission on the Truth [see S/25500] following its submission by the Commission on 15 March 1993. As foreseen in paragraph 55 of document S/25812 above, the United Nations analysis of the Commission's recommendations is circulated herewith as a document of the Security Council.

ANNEX

Analysis of the recommendations contained in the report of the Commission on the Truth

[Original: Spanish]

The recommendations contained in the report of the Commission on the Truth are set out below, together with a brief analysis of the measures needed to implement them. In the interests of clarity, the recommendations are listed in the order in which they appear in the report. Each recommendation is accompanied by details of the persons or institutions to whom it is addressed and who would be responsible for its implementation or for taking the appropriate action (for instance, a legislative proposal by the Government; action proposed by the Frente Farabundo Martí para la Liberación Nacional (FMLN) in the National Commission for the Consolidation of Peace (COPAZ)); legislative action required and the time-frame necessary for its implementation.

There are two appendices to this document. The first gives details of the human rights recommendations made by the United Nations Observer Mission in El Salvador (ONUSAL) and taken up in turn by the report of the Commission on the Truth, which calls for their implementation. The second is a working paper listing the principal constitutional or legal provisions that would need to be amended in order to comply with the recommendations.

I. RECOMMENDATIONS INFERRED DIRECTLY FROM THE RESULTS OF THE INVESTIGATION

1. Dismissal from their posts and discharge from the armed forces of officers whose names appear in the report and who are personally implicated in the perpetration or cover-up of the cases reported, or who did not fulfil their professional obligation to initiate or cooperate in the investigation and punishment of serious acts of violence (I.A)

- (a) Addressed to: the Government of El Salvador
- (b) Legislative action required: an administrative measure
- (c) Time-frame: immediate

Remarks: It is our understanding that only 10 of the officers mentioned in the report will remain in active service once implementation of the Ad Hoc Commission's recommendations is complete.

2. Dismissal of civilian officials in the civil service and the judiciary who are named in the report and who, acting in their professional capacity, covered up serious acts of violence or failed to discharge their responsibilities in the investigation of such acts (I.B)

- (a) Addressed to: the Government of El Salvador (for civil service officials) and the judiciary (for officials of the judiciary)
- (b) Legislative action required: an administrative measure
- (c) Time-frame: immediate

Remarks: Three officials of the judiciary are involved: one senior official employed on a temporary contract and two judges.

3. Disqualification by law from holding public office for persons referred to in the above recommendations, and for any other persons implicated in the perpetration of the acts of violence described, including the civilians and members of FMLN Command named in the findings on individual cases. The persons concerned should be disqualified from holding any public post or office for a period of not less than 10 years, and should be disqualified permanently from any activity related to public security or national defence (I.C)

- (a) Addressed to: the Government of El Salvador, FMLN, COPAZ and the Legislative Assembly
- (b) Legislative action required: no legislative measures possible, only a political decision. Some people have suggested the possibility of a constitutional amendment.
- (c) Time-frame: only a political solution is appropriate, possibly in the form of an undertaking adopted within COPAZ or an agreement by COPAZ itself urging the persons named to refrain from holding or applying for any public post.

Remarks: Although the report recommends that COPAZ should prepare a preliminary legislative draft to be submitted to the Legislative Assembly for early approval, such an approach would affect essential provisions of the Constitution relating to political rights. This recommendation conflicts with that made in section III.B.8 of the report, concerning the ratification of international human rights instruments under which citizens cannot be deprived of their political rights in the manner recommended by the Commission on the Truth.

4. Resignation of the current members of the Supreme Court of Justice to enable the constitutional reform concerning the election of judges to the Court to be implemented immediately (I.D. (a))

- (a) Addressed to: members of the Supreme Court of Justice
- (b) Legislative action required: the resignation of members of the Court
- (c) Time-frame: immediate

Remarks: The recommendation is not worded in such a way as to make it binding on the Government of El Salvador. Its implementation depends entirely on the willingness of the members of the Court to resign from their posts; for its part, the full Court has already announced that its members will not resign.

5. Amendment of the National Council of the Judiciary Act so that members of the Council can be dismissed by the Legislative Assembly only for precise legal causes (I.D. (b))

- (a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly
- (b) Legislative action required: amendment of the National Council of the Judiciary Act

(c) Time-frame: medium term

6. Amendment of the Career Judicial Service Act so that only those judges who, according to a rigorous evaluation made by the National Council of the Judiciary, have demonstrated judicial aptitude, efficiency and concern for human rights and offer every guarantee of independence, judicial discretion, honesty and impartiality in their actions, may remain in the career judicial service (I.E)

(a) Addressed to: the Government of El Salvador, the Legislative Assembly and COPAZ

(b) Legislative action required: inclusion of an appropriate provision in the new Career Judicial Service Act

(c) Time-frame: medium term

Remarks: Under the Constitution, it is the Supreme Court that punishes judges. The Council could only recommend to the Court that penalties be applied.

II. ERADICATION OF STRUCTURAL CAUSES LINKED DIRECTLY TO THE ACTS EXAMINED

1. Full implementation of the peace agreements (II)

(a) Addressed to: the Government of El Salvador and FMLN

(b) Legislative action required: none

(c) Time-frame: none

2. Reforms in the armed forces (II.A.)

2.1 Appointment of a special committee of the Legislative Assembly to supervise the transition to the new model of the armed forces (II.A.1,2)

(a) Addressed to: the Legislative Assembly and COPAZ

(b) Legislative action required: a political decision by the Legislative Assembly

(c) Time-frame: immediate

2.2 Comprehensive review of the military legislation in force (II.A.2,3,4)

(a) Addressed to: COPAZ and the Legislative Assembly

(b) Legislative action required: a legislative decree and administrative measures

(c) Time-frame: immediate

Remarks: Legislative measures have already been adopted which include amendments to the relevant articles of the Constitution. Laws have also been adopted on military service and armed forces reserves, the National Public Security Academy, the National Civil Police, the State Intelligence Agency and the Ad Hoc Commission on the armed forces. In addition, the relevant articles of the procedural law applicable to states of emergency and the Code of Military Justice have been repealed. On 12 November 1992, ONUSAL sent the Ministry of Defence a list of the additional legislative amendments that need to be adopted in order to conclude the process of adapting existing armed forces legislation. Copies of that letter were sent to the Minister of the Presidency, the Minister of Justice and COPAZ. The matter is still pending on the agenda of COPAZ. In addition to the

legislative amendments already proposed by ONUSAL, there are the recommendations made in the report of the Commission on the Truth concerning the amendment of other aspects of army regulations and the Code of Military Justice.

2.3 Inclusion of the study of human rights in the curricula of military schools (II.A.5)

(a) Addressed to: the Government of El Salvador

(b) Legislative action required: an administrative decision

(c) Time-frame: immediate

2.4 Military training abroad, on courses based on a doctrine of democracy and respect for human rights (II.A.6)

(a) Addressed to: the Government of El Salvador

(b) Legislative action required: an administrative decision

(c) Time-frame: immediate

2.5 Priority to be given to the eradication of any relationship between members of the armed forces and paramilitary or illegal groups (II.A.7)

(a) Addressed to: the Government of El Salvador

(b) Legislative action required: an administrative decision

(c) Time-frame: immediate

Remarks: It should be noted that, as stipulated in the agreements, civil defence units have been duly disbanded and the new system of armed forces reserves has already replaced the territorial service, which has also been disbanded. COPAZ is currently considering the preliminary bill for the regulation of private security services.

3. Reforms in the area of public security (II.B)

Scrupulous observance of the guidelines for the National Civil Police

(a) Addressed to: the Government of El Salvador

(b) Legislative action required: an administrative decision

(c) Time-frame: immediate

Remarks: It should be noted that the constitutional reforms have already relieved the armed forces of public security tasks, which will be the responsibility of the National Civil Police. The territorial deployment of the latter has already begun. However, the National Police, which is responsible for public security during the transitional period, is still run by military personnel in active service, even though it is answerable to the President of the Republic. Moreover, its ranks have been supplemented with former members of the public security forces that have been disbanded (the National Guard and the Treasury Police) and with soldiers demobilized from the rapid deployment infantry battalions. Many of these soldiers are joining the National Public Security Academy.

4. Investigation of illegal groups (II.C)

Investigation, with outside assistance, to ensure that they are disbanded

(a) Addressed to: the Government of El Salvador

(b) Legislative action required: an administrative decision

(c) Time-frame: immediate

Remarks: It should be noted that, as stipulated in the agreements, civil defence units have been duly disbanded and the new system of armed forces reserves has already replaced the territorial service, which has also been disbanded. COPAZ is currently considering the preliminary bill for the regulation of private security services.

III. INSTITUTIONAL REFORMS TO PREVENT THE REPETITION OF SUCH ACTS

A. Administration of justice

1. Further judicial reform (III)

(a) Addressed to: the Government of El Salvador, the Legislative Assembly and the Supreme Court

(b) Legislative action required: various constitutional amendments and amendments to secondary legislation which derive from all the specific recommendations. Discussion and adoption of a new Penal Code and Code of Criminal Procedure on the basis of the preliminary drafts already submitted to the Legislative Assembly. Administrative measures within the judicial system

(c) Time-frame: immediate and medium term

Remarks: In the third week of April 1993, the 11 members of the National Council of the Judiciary were elected, by consensus, in the Legislative Assembly. On beginning their work, they announced that they would carry out an investigation of the competence of judges.

2. De-concentration of functions of the Supreme Court and its President: analysis of whether the Constitution should be amended (III.A.1)

(a) Addressed to: the Government of El Salvador and COPAZ

(b) Legislative action required: consideration of the need for a constitutional amendment

(c) Time-frame: immediate and medium term

3. Appointment and removal of judges by the National Council of the Judiciary (III.A.2)

(a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly

(b) Legislative action required: a constitutional amendment, National Council of the Judiciary Act and Career Judicial Service Act

(c) Time-frame: immediate and medium term

4. Administrative accountability of judges to the National Council of the Judiciary (III.A.3)

(a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly

(b) Legislative action required: amendment of the Organic Law of the Judiciary and adoption of a new Career Judicial Service Act

(c) Time-frame: Immediate and medium term

5. Special independent body responsible for authorizing and regulating the professions of lawyer and notary (III.A.4)

(a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly

(b) Legislative action required: amendment of the Organic Law of the Judiciary

(c) Time-frame: immediate

6. Creation of new courts and improvement of judges' salaries (III.A.5)

(a) Addressed to: the Government of El Salvador, COPAZ, the Legislative Assembly and the judiciary

(b) Legislative action required: amendment of the Organic Law of the judiciary or adoption of a legislative decree creating new courts

(c) Time-frame: immediate

7. Reinforcement of the application of the right to due process (III.A.6)

(a) Addressed to: the Government of El Salvador, COPAZ, the Legislative Assembly and the judiciary

(b) Legislative action required: adoption of a new Penal Code and a new Code of Criminal Procedure. Administrative oversight measures (in the police and in the judicial system)

(c) Time-frame: immediate

Remarks: Preliminary drafts of both Codes have already been submitted by the Government of El Salvador to the Legislative Assembly

8. Priority to be given to the Judicial Training School (III.A.7)

(a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly

(b) Legislative action required: amendment of the National Council of the Judiciary Act and adoption of a new Career Judicial Service Act.

(c) Time-frame: immediate

B. Protection of human rights

1. Implementation of ONUSAL recommendations (III.B)

Remarks: The recommendations made by the ONUSAL Human Rights Division must be implemented by the parties as stipulated in the San José Agreement. Appendix I summarizes the relevant recommendations made in the sixth report of the ONUSAL Human Rights Division.

2. Strengthening of the Office of the National Counsel for the Defence of Human Rights (III.B.1)
 - (a) Addressed to: the Office of the National Counsel for the Defence of Human Rights
 - (b) Legislative action required: none; administrative measures
 - (c) Time-frame: immediate

Remarks: the Office of the National Counsel for the Defence of Human Rights has announced to the public its commitment to comply with the recommendations addressed to it. The National Counsel has sent the Secretary-General a letter to this effect. The Human Rights Division will liaise directly with the National Counsel in implementing this recommendation.
 3. Measures to make the remedies of *amparo* and *habeas corpus* truly effective: broadening the competence of judges and making express provision that these remedies cannot be suspended as guarantees under any circumstances (III.B.2)
 - (a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly
 - (b) Legislative action required: a constitutional amendment for the first (competence of judges). Amendment of the Constitutional Procedures Act
 - (c) Time-frame: immediate
 4. Constitutional force of human rights provisions and of international human rights instruments (III.B.3)
 - (a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly
 - (b) Legislative action required: a constitutional amendment and/or ratification of or accession to the international human rights treaties referred to in the report
 - (c) Time-frame: medium term
 5. Changes in the system of administrative detention (III.B.4)
 - (a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly
 - (b) Legislative action required: adoption of a new Penal Code and Code of Criminal Procedure. Repeal of the 1886 Police Act
 - (c) Time-frame: immediate
 6. Expansion of the system of information on detainees with the participation of the Office of the National Counsel for the Defence of Human Rights (III.B.5)
 - (a) Addressed to: the Office of the National Counsel for the Defence of Human Rights
 - (b) Legislative action required: only administrative measures
 - (c) Time-frame: immediate
 7. New categories of crimes (III.B.6)
 - (a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly
 - (b) Legislative action required: adoption of a new Penal Code covering such crimes
 - (c) Time-frame: immediate
 8. Material compensation for victims of human rights violations (III.B.7)
 - (a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly
 - (b) Legislative action required: adoption of a new Code of Criminal Procedure providing for an expeditious procedure. Special fund
 - (c) Time-frame: immediate
 9. Ratification of international instruments and recognition of the compulsory jurisdiction of the Inter-American Court of Human Rights (III.B.8)
 - (a) Addressed to: the Government of El Salvador and the Legislative Assembly
 - (b) Legislative action required: resolutions of the Legislative Assembly
 - (c) Time-frame: immediate
- C. National Civil Police
1. Putting into practice the investigation mechanism within the National Civil Police and dissolving the Commission for the Investigation of Criminal Acts (III.C)
 - (a) Addressed to: the Government of El Salvador, COPAZ and the Legislative Assembly
 - (b) Legislative action required: administrative measures
 - (c) Time frame: immediate
- IV. STEPS TOWARDS NATIONAL RECONCILIATION
1. Special fund for the compensation of victims (IV.A.1,2,3,4)
 - (a) Addressed to: the Government of El Salvador, the United Nations (which should promote and coordinate action to obtain international contributions)
 - (b) Legislative action required: a legislative decree (art. 167, para. 4, of the Constitution) or an act adopted by the Legislative Assembly
 - (c) Time-frame: immediate (one month)

Remarks: The Commission establishes some characteristics of the Fund, *inter alia*, that 1 per cent of all external assistance should be set aside for this purpose. The Government cannot be required to comply with this recommendation, since it is not within its powers but depends on donor States. A formula reflecting this situation must be explored in order to ensure its implementation.

2. Forum for Truth and Reconciliation

- (a) Addressed to: COPAZ
- (b) Legislative action required: secondary legislation or an administrative order
- (c) Time-frame: immediate (one month)

3. Construction of a national monument bearing the names of the victims, recognition of the good name of the victims and institution of a national holiday

- (a) Addressed to: the Government of El Salvador and the Legislative Assembly
- (b) Legislative action required: a legislative decree and/or an act
- (c) Time-frame: immediate.

APPENDIX I

Recommendations of the ONUSAL Human Rights Division

1. Ratification of international human rights instruments

- (a) Addressed to: the Government of El Salvador and the Legislative Assembly
- (b) Legislative action required: resolutions of the Legislative Assembly
- (c) Time-frame: immediate

Remarks: Some people consider certain provisions of the instruments in question to be incompatible with the Constitution (for example, ILO Convention No. 87). In this case, on depositing the instrument of ratification, a declaration of safeguards can be made, based on wording agreed to in the tripartite commission of the Forum For Economic and Social Consultation.

2. Structural and functional reform of the judiciary

- (a) Addressed to: the Government of El Salvador, the Legislative Assembly and the judiciary

(b) Legislative action required: to be considered in terms of the specifics of the reform. Some amendments to the Constitution and to secondary legislation will be needed as a result of specific aspects of these recommendations.

- (c) Time-frame: medium term

3. Establishment of a special commission of inquiry to investigate summary executions

- (a) Addressed to: the Government of El Salvador
- (b) Legislative action required: a legislative decree
- (c) Time-frame: immediate

4. Measures to make *habeas corpus* and *amparo* effective and accessible

- (a) Addressed to: the Government of El Salvador and the Legislative Assembly

- (b) Legislative action required: amendment of the Constitution and of the Constitutional Procedures Act

- (c) Time-frame: medium term

5. Compensation fund for victims

Remarks: Totally in line with the corresponding recommendation of the Commission on the Truth.

6. Improvement of the composition and powers of the National Council of the Judiciary and independence of the Judicial Training School

- (a) Addressed to: the Government of El Salvador and the Legislative Assembly
- (b) Legislative action required: amendment of the Constitution and of the National Council of the Judiciary Act
- (c) Time-frame: immediate and medium term

7. Elimination of extrajudicial confession

- (a) Addressed to: the Government of El Salvador and the Legislative Assembly
- (b) Legislative action required: to be considered in the new Code of Criminal Procedure
- (c) Time-frame: immediate

8. Definition of torture and enforced disappearance as offences in special criminal legislation

- (a) Addressed to: the Government of El Salvador and the Legislative Assembly
- (b) Action required: to be included in the new Penal Code
- (c) Time-frame: immediate

9. Legislation regulating the conduct of law enforcement officials

- (a) Addressed to: the Government of El Salvador and the Legislative Assembly
- (b) Legislative action required: secondary legislation
- (c) Time-frame: immediate

10. Abolition of the practice of arbitrary detention for petty misdemeanours

- (a) Addressed to: the Government of El Salvador and the Legislative Assembly
- (b) Legislative action required: repeal of the 1886 Police Act
- (c) Time-frame: immediate

11. Temporary application of the Act governing the procedure for administrative detention or the imposition of administrative fines

- (a) Addressed to: the Government of El Salvador
- (b) Legislative action required: an administrative decision

- (c) Time-frame: immediate
- 12. Amendment of the disciplinary regime under the Career Judicial Service Act so that the Court or its President can investigate formally any irregularities or violations of due process
 - (a) Addressed to: the Government of El Salvador and the Legislative Assembly
 - (b) Legislative action required: secondary legislation
 - (c) Time-frame: immediate
- 13. Authorization of a visit by the ILO Committee on Freedom of Association
 - (a) Addressed to: the Government of El Salvador
 - (b) Action required: an administrative order
 - (c) Time-frame: immediate
- 14. Investigations by the Supreme Court of Justice of violations of due process
 - (a) Addressed to: the Supreme Court of Justice
 - (b) Legislative action required: an administrative order
 - (c) Time-frame: immediate
- 15. Granting of legal recognition to associations and trade unions
 - (a) Addressed to: the Government of El Salvador
 - (b) Legislative action required: an administrative decision
 - (c) Time-frame: immediate/ongoing
- 16. Military training
 - (a) Addressed to: the armed forces
 - (b) Legislative action required: an administrative order
 - (c) Time-frame: immediate/ongoing
- 17. Recovery of military weapons
 - (a) Addressed to: the Government of El Salvador
 - (b) Legislative action required: a legislative decree
 - (c) Time-frame: immediate
- 18. Budgetary autonomy of the National Counsel's Office
 - (a) Addressed to: the Government of El Salvador and the Legislative Assembly
 - (b) Legislative action required: secondary legislation
 - (c) Time-frame: immediate
- 19. Facilities for and non-obstruction of NGO activities
 - (a) Addressed to: the Government of El Salvador

(b) Legislative action required: an administrative order

(c) Time-frame: immediate/ongoing

APPENDIX II

Principal legal provisions to be amended

1. *Constitutional amendments*
 1. Competence of judges and magistrates to hear the remedy of *habeas corpus*: amend article 174, article 182 (1) and article 247.
 2. Constitutional force of human rights provisions. Two non-exclusive alternatives: ratify pending treaties or introduce a constitutional provision giving constitutional force to the international human rights instruments to which El Salvador is a party.
 3. Disciplinary regime of the National Council of the Judiciary: amend article 187 to give the Legislative Assembly the authority to remove or dismiss members of the Council by a specified majority.
 4. System of administrative detention: amend article 14 by deleting administrative arrest.
 5. ONUSAL recommendations: some recommendations coincide (i.e., *habeas corpus*). Also consider possible amendments to articles 131 and 182 with respect to the appointment of magistrates and judges.
2. *Amendments to secondary legislation*
 1. Disciplinary regime of the National Council of the Judiciary. Amend articles 11 and 49 of the National Council of the Judiciary Act by specifying the legal causes for dismissal of members of the Council and establishing a special procedure in the Legislative Assembly in keeping with the powers conferred upon the Assembly by article 132 of the Constitution.
 2. Evaluation of judges:
 - (a) Adoption of the new Career Judicial Service Act that incorporates suitable criteria for evaluating judges and magistrates, taking into account the role of the Judicial Training School. Moreover, the new Act should specify more precise legal causes for the dismissal or removal of judges and magistrates;
 - (b) Adoption of a special provisional legislative decree that would make it possible to conduct an immediate evaluation of judicial officials with a view to ascertaining whether current officials are really suited for service in the judiciary, whether their work is independent and efficient and whether they have demonstrated a concern for human rights.
 3. Comprehensive review of military legislation: consider amendments to various military laws, in particular the Organic Law on National Defence, the Code of Military Justice and the laws on control of arms and explosives.
 4. "Due obedience":
 - (a) Repeal article 173 of army regulations;

- (b) Amend the Code of Military Justice by expressly incorporating article 40 (2) (c) of the Penal Code;
 - (c) Repeal paragraphs 4 and 10 of article 166 of the Code of Military Justice.
5. Punishment of abuses of military authority:
- (a) Amend the Code of Military Justice by incorporating a new penal category for punishing military leaders and commanders who force their subordinates, through "due obedience", to act in violation of the law and of human rights;
 - (b) Incorporate in such amendments, as accessory penalties, discharge from military service and ineligibility to resume military functions for the duration of the penalty.
6. Disbanding of illegal armed groups:
- (a) Adoption of a new act on private security bodies or an act regulating private security services. A bill is being considered in the Legislative Assembly;
 - (b) Adoption of a new act on the special protection of high-risk persons. A bill is being considered in the Legislative Assembly.
7. Administration of court resources:
- (a) Amend the Organic Law of the Judiciary in order to give judges the authority to administer the resources of their courts;
 - (b) Amend the National Council of the Judiciary Act by expanding the Council's powers so that its members can oversee the administration of resources;
 - (c) The foregoing involves amending the legislation on the supervision of State property, the budgetary system and the Organic Law of the Court of Audit.
8. Concentration of functions in the Supreme Court of Justice and in its President:
- (a) Amend the Organic Law of the Judiciary;
 - (b) Adoption of the new Career Judicial Service Act.
9. Appointment and removal of judges and magistrates: adoption of the new Career Judicial Service Act that will establish, on the basis of the necessary constitutional reform, the competence of the National Council of the Judiciary to appoint, remove or dismiss judges and magistrates.
10. Granting authorization to practise as a lawyer or notary: amend article 51, paragraph 3, of the Organic Law of the Judiciary to give the National Council of the Judiciary the power to do this.
11. Creation of new courts (two alternatives):
- (a) Amend article 146 of the Organic Law of the Judiciary;
 - (b) Adopt a legislative decree creating new courts.
12. Extrajudicial confession: adoption of the new Code of Criminal Procedure.
13. Judicial Training School: amend the National Council of the Judiciary Act and adopt the new Career Judicial Service Act in order to strengthen the Judicial Training School by giving it the authority to evaluate judicial officials with a view to the admission to the career judicial service, promotion, suspension, transfer, removal or dismissal of judges and magistrates. This involves the corresponding constitutional reform.
14. Competence of judges and magistrates to hear remedies of *habeas corpus* and *amparo*: in addition to amending the Constitution, amend the Constitutional Procedures Act.
15. System of administrative detention: promulgate, with the appropriate contents, the new Code of Criminal Procedure and repeal the 1886 Police Act. Amend articles 496 ff. of the Penal Code on the regime for misdemeanours in order to give justices of the peace the competence to consider all categories of misdemeanours.
16. Establishment of new categories of crimes: amend the Penal Code.
17. Establishment of a simple, swift and accessible remedy for material compensation for harm suffered as a result of a human rights violation: amend the Code of Criminal Procedure so that the criminal proceedings guarantee the speedy and effective exercise of criminal indemnity action and the speed of the criminal trial.
18. Material compensation: adoption of the new act establishing the fund for the protection of victims of violence.
19. Commission for the Investigation of Criminal Acts: repeal the Act establishing the Commission for the Investigation of Criminal Acts.
20. Ratification of human rights instruments.
21. Declaration of a national holiday: adopt a legislative decree declaring the national holiday recommended by the Commission.

DOCUMENT S/25814

Letter dated 20 May 1993 from the representative of Croatia to the Secretary-General

[Original: English]
[21 May 1993]

I have the honour to submit, attached herewith, a letter by the Prime Minister of the Republic of Croatia, Mr. Nikica Valentec, addressed to you.

I should be grateful if you would provide for the circulation of these letters as a document of the Security Council.

(Signed) Vladimir DROBNJAK
Chargé d'affaires a.i. of the
Permanent Mission of Croatia
to the United Nations

LETTER DATED 19 MAY 1993 FROM THE PRIME
MINISTER OF CROATIA TO THE
SECRETARY-GENERAL

On 21 January 1993, the Vice Prime Ministers of the Government of the Republic of Croatia, Mr. Mate Granic and Mr. Vladimir Seks, sent a letter to the Co-Chairmen of the International Conference on the Former Yugoslavia, where they focused their attention on the fact that the "Federal Republic of Yugoslavia [FR]" was outmanoeuvring the obligations taken in the international agreements ("Agreement on the Exchange of Captured Persons"), that had been concluded between the Republic of Croatia and the "FR of Yugoslavia", with the participation of the International Committee of the Red Cross (ICRC) (the first agreement was concluded on 6 November 1991; later agreements were: Sarajevo, 11 February 1992; Pecs, Hungary, 20 March 1992; Geneva, Switzerland, 28 and 29 July 1992, 7 August 1992, 18 October 1992; Budapest, 16 December 1992).

In this letter, the Vice Prime Ministers of the Republic of Croatia kindly asked Mr. Cyrus Vance and Lord David Owen to use all their authority and influence to exert urgent political pressure and take steps towards the authorities of the "FR of Yugoslavia", in order that the internationally assumed obligations be fulfilled and that on the strength of recognized and established principles, the exchange of all captured persons be carried out. They also suggested that after the current problem of the exchange of prisoners has been completed, a joint committee, within the framework of the International Conference on the Former Yugoslavia, be organized, which would finally and systematically resolve the problems of missing persons and persons forcefully dislodged.

Being aware of your experience and authority, the Vice Prime Ministers of the Government of the Republic of Croatia, Mr. Mate Granic and Mr. Vladimir Seks, addressed a letter to you, on 2 February 1993 [see S/25234], which asked for your engagement in the implementation of the following:

- An immediate and unconditional release and exchange of the prisoners, persons who have been forcefully apprehended and captured or Croats who have been criminally sentenced (in accordance with international agreements);
- UNPROFOR [United Nations Protection Force] protection of all mass grave sites discovered in the occupied areas of the Republic of Croatia, in compliance with data submitted to the United Nations;
- The formation of a special committee, under the auspices of the International Conference on the Former Yugoslavia, which would systematically and once and for all determine the fate of all the persons missing during the aggression against the Republic of Croatia.

In spite of numerous contacts and efforts by the international community to resolve the said issues and furthermore in spite of your plea and the pleas of the International Committee of the Red Cross and the

Co-Chairmen of the Conference on the Former Yugoslavia to resolve the problems concerning the exchange of captured persons, the issue has remained at a standstill. According to a report by the ICRC, the persons on the list of prisoners, who should have been exchanged as early as 14 August 1992 at Nemetin, are being kept in Serbian prisons, under extremely poor conditions. Some people's health is in critical condition, while one prisoner has died.

A special burden for the Government and the inhabitants of the Republic of Croatia is the fact that the "FR of Yugoslavia" will not present to the Croatian public or to the international community any data concerning Croats forcefully apprehended in cities where Croats suffered grave tribulations, such as Vukovar, Borovo Naselje, Drnis and other places. The "FR of Yugoslavia" (Serbia and Montenegro) should be made aware of their responsibility for genocide and the mass number of victims resulting from their aggression and occupation of the Republic of Croatia. Since they cannot confess to this because the war and their aggression continues, their oppression is exerted upon the hundreds of detained Croats, who are imprisoned and exposed to harshly toilsome forced labour. The families of these prisoners and the mass population of the Republic of Croatia are severely distressed over these conditions and are tolerating them with utter strength and patience.

I am consequently free once again to urge you to use your prestige and influence to compel the "FR of Yugoslavia" to fulfil without any further delay the internationally assumed obligations, so that the exchange of captured persons may be administered immediately, as required by the established and recognized rules of conduct. I also ask that using your prestige you pressure the international community to form a mechanism for more efficiently finding the missing persons and those forcefully apprehended and which would assist in identifying the murdered victims in the mass graves.

(Signed) Nikica VALENTIC
Prime Minister

DOCUMENT S/25815

Letter dated 21 May 1993 from the representative of
Iraq to the President of the Security Council

[Original: Arabic]
[21 May 1993]

I have the honour to refer to the report of the Secretary-General submitted to the Security Council on 19 April 1993 [S/25620] concerning the status of the implementation of the monitoring and verification of Iraq's compliance with the relevant parts of section C of Security Council resolution 687 (1991).

This report, which was prepared by the United Nations Special Commission (UNSCOM) contains a presentation characterized by inaccuracy regarding Iraq's position.

Furthermore, the report reviews the developments during the past six months of the Special Commission's work in Iraq in a manner that is accusatory and prejudiced and distorts the facts.

In order that the members of the Security Council and, through them the international community, may learn the facts about this matter, I present below the Iraqi side's observations on this report.

I. Iraq's position on future monitoring

Iraq did not reject in principle the future verification and monitoring of compliance referred to in resolution 687 (1991). Iraq expressed its readiness to arrive at a practical solution of the question of Security Council verification of Iraq's capabilities for producing the weapons prohibited under its resolution 687 (1991) and to reach agreement on a practical and appropriate mechanism for the question of the equipment coming under the provisions of paragraph 8 of resolution 687 (1991) so as to render it harmless. Iraq affirmed clearly and unambiguously that it was ready to do all that on the basis of respect for its sovereignty and dignity and non-infringement of its national security and provided that the objectives set by the Council in resolution 687 (1991) should not be turned into a means of depriving our people and our country of a free and natural life like that enjoyed by all free peoples of the world or a means of depriving it of its natural right to the scientific and technological development necessary to raise the economic, social, cultural and health level of the Iraqi people.

Iraq has submitted a series of initiatives and objective proposals conducive to arrival at a professional, technical and legal settlement of this matter that would achieve the objective of the Security Council, which is to verify the non-production of the weapons prohibited under resolution 687 (1991), not to deprive Iraq of its right to be an industrial country and not to have its industry and advanced industrial assets destroyed.

Iraq has clearly indicated that the current resolutions and plans relating to this matter, which are couched in general language, can be used in either way. Iraq, therefore, calls for the language to be made more specific, in the light of the objective, and for a definition of methods of implementation and the conduct to be observed by the Special Commission and the International Atomic Energy Agency, in the light of the objective also.

II. The Iraqi side's position on the activities of the Special Commission

The report of the Secretary-General is full of allegations that Iraq has attempted to restrict the "rights" of the Special Commission. The report uses these allegations as a pretext to justify the Special Commission in taking an interventionist approach in its work.

The annex to the report recounts a series of alleged events to support its claims concerning the conduct of the Iraqi side. Since some of these allegations are entirely devoid of truth, while others are recounted in an unfair way, we give below our

observations on the contents of the paragraphs of the annex to the report:

1. Paragraph 1 of the annex alleges that the Iraqi side's objection to the team headed by Azad Velikov making an inventory of certain items of equipment constitutes interference with the powers of the Special Commission. The truth of the matter is as follows:

When UNSCOM 48 began its work, the team requested an inventory of all machinery and equipment located at the Ibn al-Haytham Centre. The Iraqi side proposed an inventory of the equipment and machinery relevant to the provisions of resolution 687 (1991), leaving aside the equipment and machinery that was of general use, such as ordinary welding tools such as are used in any simple workshop throughout the world, because making an inventory of it would require much time and effort to no purpose. Following consultations between the inspection team and the Iraqi side, the two sides arrived on the same day at a procedure satisfactory to both parties, and the team began its work accordingly.

Should this matter be regarded as proof of Iraq's non-compliance or as proof of its good will and sincere wish to cooperate fruitfully and facilitate the work of the inspection team?

2. Paragraph 2 of the annex refers to Iraq's effort to deny what it calls the "basic aerial rights" of the Special Commission in relation to entry of transport aircraft to Iraq and overflight of sites for aerial surveillance.

The contents of this paragraph are a deliberate attempt to falsify the positions of the Iraqi side. With regard to the first matter, Iraq proposed that the Special Commission should use Iraqi aircraft, instead of hiring foreign aircraft, for whose cost Iraq was accountable. This request was logical and legitimate and does not detract from the functions of the Special Commission. However, the Commission persisted in not acceding to this request and escalated the situation with the aim of superimposing this issue on the issue of Iraq's resistance to the two no-fly zones imposed by the United States over parts of Iraq. This enabled the United States Government on 17 January 1993 to carry out its attack on civilian locations at Baghdad, including the Al-Rashid Hotel and the Al-Nida' factory.

With regard to the question of overflight of sites by the helicopters of the Special Commission, the Iraqi side did not prohibit the Special Commission from carrying out its flights for purposes of both surveillance and transport in the various regions of Iraq. However, it objected to overflight of Baghdad, because overflight of cities is barred absolutely to all types of civilian and military aviation, as is laid down by aviation laws all over the world and because the Special Commission has numerous alternatives that enable it to dispense with such flights, inasmuch as it is able to carry out on-the-ground inspection of sites without prior notification. Moreover, the Executive Chairman of the Special Commission had already informed the Iraqi side, in his letter dated 25 September 1991, that it was the intention of the Special Commission to use

specific air routes in the Baghdad area, to be agreed on with the Iraqi authorities. In another case, during the campaign of UNSCOM 50 and UNSCOM 51 on 22 February 1993, the aerial surveillance team proceeded in the direction of the site to be inspected, and, during the flight, the Iraqi side accompanying the air inspection team believed that the team intended to overfly a prohibited area. He gave them a warning, and, when he realized that the aircraft did not intend to overfly the prohibited area, he gave the authorization to proceed. The process of giving the warning and the authorization to proceed did not take more than 20 minutes. What entitled the Special Commission to regard this matter as proof of non-compliance by the Iraqi side, which acted out of fear for the security and safety of the aircraft and its passengers? Moreover, this incident did not hinder the surveillance team from performing its mission.

3. Paragraph 3 of the annex claims that Iraq hindered access to sites for inspection teams for reasons such as "because inspection would breach the sanctity of universities and would upset the students". The truth as to what occurred regarding this same incident is that UNSCOM 53 suddenly requested on 14 March 1993 to inspect the College of Veterinary Medicine, and the Chief Inspector requested that he and the 21 inspectors should be allowed into the College.

The Iraqi side requested a limitation on the size of the group of team members entering the College, for reasons of university inviolability and on practical grounds relating to the process of organizing the visit, since it was difficult to organize a productive visit with 21 inspectors entering the College during regular class hours and with hundreds of students in the grounds and classrooms.

The head of the team eventually understood the Iraqi's side request, and a group of inspectors were selected for entry into the College, on the understanding that the rest would join them should circumstances so require. The inspection took place and the team ascertained that their information concerning prohibited activities in the College was unfounded.

Should the Special Commission consider the conduct of the Iraqi side in this matter as evidence of non-compliance or, in fact, a practical arrangement to ensure the success of the team's mission?

4. Paragraph 7 of the annex refers to the fact that Iraq complains about the activities of the U-2 reconnaissance aircraft and calls it "a United States spy plane" and says that it is being "used to assist in the planning of an Israeli operation to assassinate President Saddam Hussein".

Iraq's complaints about the activities of the U-2 aircraft do not come out of thin air. Accordingly, the term "United States spy plane" is no mere allegation. It is, in fact, a United States aircraft piloted by a United States pilot and taken from a United States base in Saudi Arabia. It is designed for espionage, and the Iraqi side has more than once asked the Secretary-General to pledge that the photographs and data collected by this aircraft will remain in the possession of the

United Nations. We have so far not obtained such an undertaking.

A study of the routes taken by this aircraft on its flights, which by 7 May 1993 totalled 135, shows that the objectives that this aircraft selects and its flight schedules are dictated solely by the strategic-political requirements of the United States of America and not by the requirements of the work of the Special Commission or the United Nations.

With regard to the question of the use of this spy plane in the planning of an Israeli operation directed against the Iraqi leadership, that is a matter that was discussed in the world press, including the publication *Mideast Mirror* on 7 March 1993. The letter 8 March 1993 from the Minister for Foreign Affairs of the Republic of Iraq addressed to the Secretary-General [S/25387] informed the Secretary-General and the Security Council of this grave matter.

5. Paragraph 8 alleges that Iraq is seeking to limit the duration of monitoring and aerial surveillance. The truth about what occurred with regard to this matter is that the head of the aerial surveillance team insisted in a few cases on having his aircraft circle for an extended period at low altitude over certain industrial installations located near population centres. The Iraqi side accompanying the team warned them that if they continued circling without any operational necessity, the resultant noise would affect the people working in the industrial installations and the civilian population in adjacent neighbourhoods, especially the sick and the elderly.

In all these cases, the head of the aerial surveillance team acceded to this request.

Drawing attention to this matter in this unfair way has no purpose but to distort the picture of the Iraqi side and to incite feelings against Iraq.

6. Paragraph 9 alleges that Iraq has sought to establish that those involved in the chemical destruction group are not permitted to take part in other inspection activities.

Iraq has never ventured such a thing. The truth of the matter is that one member of the chemical destruction team wanted to participate in the work of aerial surveillance, without officially informing the Iraqi counterpart of this, as was the procedure. The Iraqi side notified the Special Commission that the customary procedure required that the Iraqi side be officially notified of the new task entrusted to the inspector. In fact, the Special Commission did this and authorized the inspector to perform his new function.

7. Paragraph 11 alleges that Iraq has sought to establish that it should receive advance notice of the site to be surveyed.

This statement is not at all accurate. The procedure followed is that the head of the aerial surveillance team should, on the night of the flight, notify the Iraqi side of the area in which a site is to be selected for surveillance. This area is usually an extensive one, sometimes comprising thousands of square kilometres. This advance notice is necessary for the

purpose of restricting air defence weapons in the area over which the flight is to be made, in order to protect the safety of the aircraft. The coordinates of the site to be placed under surveillance are kept secret by the surveillance team, and the Iraqi side is usually informed of them during the flight towards the site.

Is it reasonable that the Special Commission should make no distinction between specifying the area and specifying the site? Is it right that the Special Commission should create doubts about an Iraqi measure aimed at protecting its aircraft and ensuring the smooth discharge of its functions. Moreover, pilots of the Special Commission's helicopter unit have, on more than one occasion and in more than one letter retained by the Iraqi side, commended the excellent way in which the Iraqi side has cooperated with them; without it they could not have performed their duties with the requisite safety and facility.

8. Paragraph 12 alleges that Iraq refuses to offer information willingly and refuses to supply information at all in areas such as supplier networks and also expresses consternation that the Commission continues to ask questions about Iraq's past programmes.

(a) The first allegation is refuted by the fact that Iraq has provided tons of information, files and documentation, has replied to thousands of questions and has supplied the desired data mentioned in paragraph 4 of the report "as providing a basis on which to build", although many of Iraq's industrial installations and facilities were totally destroyed, with concomitant loss of many of the related documents.

(b) With regard to the second allegation, it is inaccurate, because the Iraqi side asked the Special Commission and the International Atomic Energy Agency to supply a list comprising all the questions on the subject of suppliers for Iraq's consideration.

(c) With regard to the consternation of the Iraqi directors at the repetition of questions, it sometimes happens that a member of an inspection team encounters the director of an installation and begins to question him about matters and demands of him statistics and documents which the director of the installation has already answered or supplied to dozens of earlier inspectors. This may arouse the consternation of some directors, because they find that the process is an unjustified waste of time. In addition, some inspectors resort to putting extremely personal or even insolent questions, like the inspector who asked an Iraqi female researcher "Why aren't you married yet?"

9. Paragraph 13 alleges that Iraq has been unable or unwilling to produce specific items of equipment that the Commission has evidence were supplied to Iraq and that inspection teams continue to find equipment and documents containing information pertinent to their mandate.

What happened is that some of the inspection teams believe that any piece of machinery that they find in a given factory is relevant to their functions under resolution 687 (1991), and they ask the Iraqi side why it was not declared. The Iraqi side

supplies evidence and proof that these pieces of machinery are not relevant to the Special Commission's functions, and normally the inspection team in question is satisfied with that interpretation.

10. Paragraph 14 alleges that Iraq has sought to prevent photography over a designated plant. The Iraqi side has stated that the right to take photographs inside Iraqi plants is restricted to the machinery and equipment related to the Special Commission's functions. The Iraqi side requests the inspection teams not to resort to random photography or photography unrelated to the functions of the Special Commission. In most cases, the inspection teams have kept within the limits of their mission in this respect, and, when a difficulty has arisen concerning the photographing of this or that piece of machinery, it has been resolved by mutual understanding between the two sides. However, the Iraqi side has copies of photographs taken by the inspectors of sites, machinery or equipment absolutely unrelated to the Commission's functions that were thrown by them into the waste-paper basket or sold to foreign news agencies for the purpose of trade and personal advertisement.

11. Paragraphs 15 and 16 refer to the occurrence of incidents relating to the property of the Special Commission, such as the smashing of the Commission's car windscreens or the loss of personal equipment belonging to inspectors.

The mention of this matter is an attempt to blow up small cases and fix accusations on the Iraqi side without cogent proof. The smashing of a car windscreen because of a road accident or by some individual is an event that may occur anywhere in the world, and the loss of minor personal equipment from a hotel is something that occurs in every hotel on earth. Moreover, everything that the Special Commission alleges is not true. Once, a member of the Special Commission claimed that he had lost a camera and personal computer, but it emerged subsequently that another member of the Special Commission's staff had taken it with him by mistake to Bahrain.

Notwithstanding these minor incidents, the Iraqi side has provided the best possible protection and security for the Special Commission's inspectors. There are many cases where members of inspection teams lose their personal effects, wallets or cameras and the Iraqi side discovers them and returns them to them.

III. Conclusion

The foregoing review makes it clear that the Special Commission has been accusatory and not objective in its presentation of Iraq's positions and in its review of occurrences during its activities. It would be more suitable for the Special Commission, which is an impartial technical agency of the United Nations to focus in its report on the aspects of the implementation of the requirements of resolution 687 (1991) and on which of these requirements have been met, in a professional manner divorced from political intentions, and that its report should contain the conclusions and solutions

proposed for overcoming difficulties, with a view to the scrupulous and objective discharge of its function.

Unfortunately, the political influence and political intentions of certain international parties find their reflection in the Commission's reports and assessments, and this is prejudicial primarily to the credibility of the Commission itself.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

DOCUMENT S/25818

Report of the Secretary-General on the situation concerning Western Sahara

[Original: English]
[21 May 1993]

1. In its resolution 809 (1993), the Security Council requested me to report before the end of May 1993 on the results of specific steps which it invited me to take with a view to expediting the implementation of the Settlement Plan. For reasons explained below, I believe it might be better to submit such a report in July 1993. In the interim, the present status report summarizes the progress of my efforts to date.
2. In pursuance of paragraph 2 of resolution 809 (1993) calling for efforts to be intensified in order to resolve outstanding issues, particularly those relating to the interpretation and application of the criteria for voter eligibility, my Special Representative Mr. Sahabzada Yaqub-Khan, travelled to the mission area at the end of March for talks with the parties. These consultations were essentially aimed at eliciting the views of the parties regarding a possible compromise to bridge existing differences over the interpretation and application of the eligibility criteria enunciated in the annex to my predecessor's report of 19 December 1991 [S/23299].
3. On his return to New York, Mr. Yaqub-Khan reported to me that both sides had shown a desire to move towards an early referendum. Some progress had been made in the sense that Morocco had not expressed objections to the main elements of the outline of a proposed compromise and the Frente POLISARIO [*Frente Popular por la Liberación de Saguia el-Hamra y de Río de Oro*] had, for its part, not rejected the compromise outright, even though it had maintained its earlier reservations about the crucial aspects of the criteria, namely the testimony in support of the eligibility of applicants to vote. Efforts to overcome these difficulties are continuing.
4. Against this background and in response to the calls from the parties as well as several members of the Security Council, I have decided to visit the mission area in the first week of June, accompanied by my Special Representative, to make one more effort to seek a compromise solution.
5. Paragraph 3 of resolution 809 (1993) invites me to make the necessary preparations for the organization of the referendum and to consult with the parties for an early registration of voters, starting with the updated lists of the 1974 census. To that effect, discussions were held with the parties during the months of March and April concerning a number of relevant issues. Both sides confirmed their desire to proceed promptly with the registration of voters and to cooperate with the United Nations Mission for the Referendum in Western Sahara (MINURSO) in this task. They also agreed to the participation of tribal chiefs as well as observers from either side in the registration process.
6. In the light of these consultations it was decided to establish an Identification Commission, commencing with a nucleus of about 10 members. The Chairman has already arrived in the area and the advance group of the Identification Commission is due to establish itself in the Territory, together with ancillary staff, in the first half of June. After the completion of essential preparatory activities, the Commission will start voter registration, initially at Laayoune and Tindouf, in the course of the same month. Suitably designed voter registration cards are being printed for this purpose. The Identification Commission will also draw up plans including requirements of resources for expanding the identification process to include all potentially eligible voters, in order to complete preparations for the referendum by the end of the year, if possible.
7. The Settlement Plan calls for the establishment of a Security Unit consisting of 300 civilian police for the smooth and orderly conduct of the referendum. For the initial phase, now being launched, some 30 police officers represent the minimum requirement. Accordingly, a police contingent of this size under a Police Commissioner will be available in Western Sahara by the end of this month.
8. As requested in paragraph 4 of resolution 809 (1993), my next report will assess the prospects for the holding of a referendum this year and will set forth the connected modalities together with the implications, if any, for MINURSO's role and strength. Meanwhile, our planning is based on the assumption that the referendum will be organized and conducted according to the timetable and plan of action contained in my predecessor's report of 19 April 1991 [S/22464]. As regards the budget of \$143 million, which was approved by the General Assembly on 17 May 1991, additional resources will be required to restore funds used for recurrent expenditure since the establishment of MINURSO some two and a half years ago. The corresponding estimates will be included in my next report.
9. It is my earnest hope that concrete steps now under way towards the registration of voters will set in motion a process that will generate a momentum for the holding of an early referendum. Furthermore, my intended visit to the mission area should also serve to underscore that the above process must not be seen as an open-ended commitment, and that the

Settlement Plan must now be implemented without further delay.

DOCUMENT S/25821

Letter dated 21 May 1993 from the representative of Croatia to the President of the Security Council

[Original: English]
[22 May 1993]

Desirous to fully implement all the relevant resolutions of the Security Council including those imposing the economic sanctions against the country provisionally known as the "Federal Republic of Yugoslavia (Serbia and Montenegro)", and in particular the provisions of the Security Council resolution 820 (1993), the Government of the Republic of Croatia - acting through the Minister of Economy - has issued a Decree* on the implementation of article 12 of Security Council resolution 820 (1993).

Since several countries have already expressed their uncertainty and disorientation in ascertaining which settlements are on the territory of the Republic of Croatia within the boundaries of the UNPAs [United Nations Protected Areas] - thus falling under the specific authority of the Croatian Government concerning the import to, export from and transshipment through these areas - a list of those settlements has been included in the Decree and forms its integral part.

In order to facilitate the implementation of paragraphs 12, 13 and 14 for the Member States, I have the honour to attach the English translation of the said Decree and the list of settlements.* I would ask for your kind assistance in distributing this letter and its annex* as a document of the Security Council.

(Signed) Vladimir DROBNJAK
*Chargé d'affaires a.i. of the Permanent Mission
of Croatia to the United Nations*

DOCUMENT S/25823

Letter dated 21 May 1993 from the representative of Italy to the Secretary-General

[Original: English]
[22 May 1993]

I have the honour to transmit to you the text of the communiqué issued by the Western European Union (WEU) on the occasion of the WEU Council of Ministers which took place at Rome on 19 May 1993.

I also transmit the text of a communiqué on the Meeting of the WEU Forum of consultation at the ministerial level, which was held at Rome on 20 May 1993.

* The document is not reproduced in the present Supplement; it may be consulted in the files of the Secretariat.

I should be grateful if the two texts would be circulated as a document of the Security Council.

(Signed) Francesco Paolo FULCI
*Permanent Representative of Italy
to the United Nations*

ANNEX I

Communiqué

[Original: English/French]

1. The Western European Union (WEU) Council of Ministers today held its first regular meeting since the decisions taken at Rome on 20 November 1992 to enlarge WEU, and since the transfer of the WEU Council and secretariat to Brussels. In addition to the Foreign and Defence Ministers of the nine existing member States, Ministers of the future member State Greece, of the future associate member States Iceland, Norway and Turkey and of the observers Denmark and Ireland, participated in this meeting. Ministers welcomed the progress made over the last six months in strengthening the role of WEU and discussed what further steps could be taken. Ministers also held detailed exchanges on the situation in former Yugoslavia and on the contribution WEU was making to the search for a peaceful settlement.

WEU and the European security environment

2. Ministers reaffirmed their commitment to develop the role of WEU as the defence component of the European Union and as the means to strengthen the European pillar of the Atlantic Alliance based on the Declarations agreed at Maastricht and Petersberg. Ministers took note with satisfaction of the progress achieved in this regard.

Ministers warmly welcomed the result of the Danish referendum the day before relating to the Treaty on European Union.

3. The severe crisis in former Yugoslavia powerfully demonstrates the need for international organizations in the security field to act closely together in order to channel the political will of their member States to seek effective means for conflict prevention, crisis management and peace-keeping. Given the enhanced role of the United Nations and the importance of developing cooperation within the Conference on Security and Cooperation in Europe (CSCE), WEU Ministers reaffirmed their preparedness to support, on a case-by-case basis and in accordance with WEU procedures, the effective implementation of conflict prevention and crisis management measures including peace-keeping activities of these organizations and cooperative efforts with other States. They stressed the need to maintain armed forces at a level of effectiveness to cope with the requirements of common defence and the tasks defined by the Petersberg Declaration of WEU.

Former Yugoslavia

4. Ministers held a detailed discussion on the extremely serious situation in former Yugoslavia and in particular in Bosnia and Herzegovina.

Condemning the continuing failure of the Bosnian Serbs to accept the Vance-Owen peace plan, and stressing that the referendum which took place last weekend in Bosnia and Herzegovina had no legal value and therefore its result was irrelevant, Ministers reiterated their full support for an early implementation of the Vance-Owen peace plan and for all the measures envisaged by the European Community and its member States and the international community to bring about a political solution to the ongoing conflict and to ensure the physical

and political survival of the Muslim people in Bosnia and Herzegovina.

Ministers, noting that no option, military or other, was excluded, agreed to keep up the pressure, in cooperation with the United States of America, the Russian Federation and the other interested parties, on Serbia and Montenegro and the Bosnian Serbs in order to make the latter accept the Vance-Owen peace plan and stop immediately their attacks and their policy of ethnic cleansing.

Ministers condemned the recent military attacks against Muslim civilians by Bosnian Croat forces and supported the European Community and its member States' stern warning to Croatia on possible reactions if their attitude was maintained. They expressed the hope that the Mostar meetings would bring hostilities to an end.

Ministers also recalled the Yugoslav authorities' earlier declarations on international monitors along the Serbian and Montenegrin/Bosnian and Herzegovinian border, and expressed the view that President Milosevic's willingness to interrupt all assistance to the Bosnian Serbs with the exclusion of humanitarian aid should be put to the test, by providing evidence of his commitment.

5. Ministers mandated the Permanent Council:

- Following the WEU planning undertaken on the Sarajevo safe haven, which was submitted to the United Nations, to arrange for a study to be carried out on the establishment of different safe areas referred to in Security Council resolution 824 (1993), as well as Mostar and other possible areas;
- To examine the role that WEU might play in the context of the implementation of the Vance-Owen peace plan, in coordination with the North Atlantic Treaty Organization (NATO);
- To study the possibility for WEU to coordinate the rotation of the contingents deployed by its member States in the framework of the United Nations Protection Force (UNPROFOR) and the possible participation of WEU member States in the protection of the above-mentioned safe areas under a mandate of the United Nations.

6. Ministers agreed that the strengthening of United Nations sanctions through strict implementation of the relevant Security Council resolutions and in particular resolution 820 (1993) should continue to be one of the responses of the international community to Bosnian Serb intransigence. Ministers highlighted the two contributions which WEU was making in this respect:

- Since July 1992, WEU ships and aircraft have been conducting, first, embargo monitoring; and subsequently, embargo enforcement operations in the Adriatic Sea in close coordination with NATO. With the adoption of Security Council resolution 820 (1993), WEU and NATO discussed ways of increasing the effectiveness of these embargo enforcement operations;
- The offer made at their meeting at Luxembourg on 5 April to assist the efforts of Bulgaria, Hungary and Romania in implementing the embargo on the Danube in accordance with the provisions of the relevant Security Council resolutions was now being put into effect. Ministers expressed their appreciation for the cooperation shown by the Governments of Bulgaria, Hungary and Romania in establishing this joint initiative, of a civilian character, which would be conducted in close coordination with the efforts of other organizations notably the European Community and CSCE and in liaison

with the Sanctions Assistance Missions in the area. They welcomed the agreement of the riparian States to the deployment of advance teams, now in place, in order to prepare the rapid implementation of the initiative. Ministers expressed their appreciation for the efforts undertaken by the Presidency and agreed that Italy would assure coordination on the ground.

Relations with other countries

7. Ministers looked forward to their meeting the following day with their colleagues from the partner countries of Central Europe in the Forum of Consultation in order to intensify dialogue, consultation and cooperation and to discuss security issues of common concern.

8. Ministers agreed on the importance for WEU, as its role is strengthened, to develop its relations with other countries.

They welcomed the accession negotiations between the European Community and certain European Free Trade Association countries and were prepared, should the countries concerned so wish, to establish in the interim period prior to accession appropriate contacts with Austria, Finland and Sweden for information on the role of WEU in this context.

Ministers, stressing the importance of stability and security in the Mediterranean basin to WEU member States, agreed to develop further the dialogue initiated with Maghreb countries.

Given the increased importance of WEU's role, Ministers also requested the Presidency and the secretariat to continue to ensure information was given on WEU's activities to other interested countries.

Strengthening WEU's role

9. Ministers welcomed the fruitful working links which had been established at Brussels between the Defence Representatives Group, the Military Delegates and the Planning Cell. This had enabled the Planning Cell to start work on a firm foundation, and had also led to the establishment of principles for the organization and functioning of WEU in times of crisis. They also welcomed the valuable contribution made by the WEU Chiefs of Defence (CHODs) at their meeting at Rome on 22 April 1993, the first such meeting to be attended by future members and associate members of WEU. On the basis of earlier studies and following the recommendations of the CHODs, Ministers agreed that the Planning Cell should advance studies with a view to enhancing European air-maritime cooperation - as a follow-up to the Franco/Italian/Spanish proposal - and develop those relating to capabilities for strategic mobility.

10. The WEU Council of Ministers took note of the report of the Defence Representatives Group and mandated the Permanent Council to reach timely conclusions and to present a progress report to the next ministerial meeting on the forces answerable to WEU, in particular for the conduct of humanitarian and peace-keeping operations. Ministers noted with satisfaction that all member States were now proceeding to designate which of their military units and headquarters they were prepared to make available to WEU for various possible tasks. These should include rapidly deployable air, naval and ground forces and headquarters from which WEU operations could be commanded.

11. Ministers welcomed the following declaration by the French, German and Belgian Ministers on the European Corps:

"The States participating in the European Corps recall the terms of the Franco-German Memorandum of 30 November

1992, of which the Council has taken note, to the effect that they consider that the European Corps forms part of units designated as 'forces answerable to WEU'."

12. Ministers also welcomed a statement by Belgium, the Netherlands, the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany that the units they are prepared to make available for military tasks under WEU auspices will include the following multinational formations as part of the "forces answerable to WEU":

- the Multinational Division (Central), consisting of Belgian, British, Dutch and German units;
- the United Kingdom/Netherlands amphibious force.

13. Ministers requested the Permanent Council to arrange discussions at the earliest with representatives of the nations participating in these offers in order to define the relations between WEU and these multinational formations as "forces answerable to WEU".

Ministers agreed that the competent forums of WEU should develop a number of general rules and procedural guidelines applicable to all forces answerable to WEU.

14. Ministers welcomed the progress which had been made in setting up the WEU Satellite Centre. In particular they noted with satisfaction the signature on 1 December 1992 of the Agreement between Spain and WEU regarding the concession of the site and the building at Torrejón, the delivery of the initial equipment, the signature of the HELIOS Memorandum of Understanding and the official inauguration on 28 April 1993. Ministers also noted that phase 2 of the main system feasibility study into an autonomous European space-based observation capability had now been launched, and looked forward to receiving an evaluation of the costed options following the conclusion of the study at the end of 1993.

15. Ministers reaffirmed the importance of WEU's activities with regard to the implementation of arms control and disarmament agreements, in particular the Conventional Armed Forces in Europe (CFE) and Open Skies Treaties. On WEU cooperation on Open Skies, Ministers noted the preliminary set of rules for the operation of a pool of observation systems, prepared by the working group, which aimed at making the most cost-effective use of national resources. They agreed that an approach should be made to third parties with a view to assessing their interest in participating in the pool. Ministers underlined the need for continued cooperation between member States on the verification of the CFE Treaty.

16. Ministers agreed to the transfer from EUROGROUP to WEU of its publicity activities and the functions of EUROCOM. They noted that discussions were continuing on the transfer of the functions of EUROLOG and EUROLONGTERM.

Armaments cooperation

17. The Defence Ministers of the 13 nations of the former Independent European Programme Group (IEPG) met this morning for the first time since the IEPG functions were transferred to WEU. They reaffirmed the six key principles on which cooperation on armaments matters should be based and in particular that all decisions on these matters within the WEU framework should be taken by the 13 nations. They agreed on a number of organizational aspects of the transfer, which were subsequently adopted formally by the Council at 13.

18. Defence Ministers will meet at least once a year, before a WEU Council meeting, to oversee the activities of the armaments

cooperation forum, which will henceforth be known as the Western European Armaments Group (WEAG). The chairmanship will continue to rotate among the 13 nations. The meetings of the National Armaments Directors (NADs), who will continue to report to Defence Ministers, will remain the operational core of WEAG. Ministers agreed to relocate to Brussels the functions of the Permanent Secretariat of the former IEPG. Ministers agreed to build on the links between the former IEPG and NATO by applying to armaments cooperation within the WEU framework the practical measures agreed at Petersberg for developing relations between WEU and NATO. Ministers noted the decision by NADs to task a study group to examine the possible role of a European armaments agency.

ANNEX II

Communiqué

[Original: English/French]

1. Foreign and Defence Ministers of Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia met at Rome on 20 May 1993 with the WEU Council of Ministers. Following the decisions taken at their meeting at Rome on 20 November 1992, in addition to the Foreign and Defence Ministers of the nine existing WEU member States, Ministers of the future member State Greece, of the future associate member States Iceland, Norway and Turkey and of the observers Denmark and Ireland participated in this meeting. This was the first ministerial meeting since the adoption at Bonn on 19 June 1992 of measures to strengthen the relations and structure the dialogue, consultation and cooperation between WEU and the States of Central Europe.

2. Recognizing the importance of their exchanges of views, the Ministers of WEU countries and those of WEU's Consultation Partners of Central Europe agreed henceforth to extend the term "WEU Forum of Consultation" to their annual meetings, a term already applied to the meetings at the ambassadorial level which take place at least twice a year.

3. Particular emphasis in the discussions was placed on the situation in former Yugoslavia. Ministers condemned the continuing failure of the Bosnian Serb authorities to accept the Vance-Owen peace plan and welcomed that part of the communiqué of the WEU Ministerial Council agreed the day before concerning former Yugoslavia. In their discussions Ministers reviewed WEU's contributions to the efforts of the whole international community to bring peace to this region.

4. WEU Ministers informed their Consultation Partners of the WEU operation to enforce the embargo in the Adriatic Sea undertaken in close coordination with NATO.

Ministers welcomed the WEU initiative on the Danube to assist and cooperate with Bulgaria, Hungary and Romania, in the strict implementation of the sanctions provided for in Security Council resolutions 820 (1993), 787 (1992), 757 (1992) and 713 (1991). They welcomed the signature of three Memoranda of Understanding at Rome to this effect.

Ministers stressed that the Danube mission, which was of a civilian character, represented a concrete example of cooperation between WEU and certain of its Consultation Partners. They reaffirmed the importance of that cooperation and their resolve to continue their joint efforts, thus contributing to the search for a peaceful solution to the crisis. Moreover, Ministers underlined the importance of containing the current conflict and agreed that, were any country to suffer from aggressive action as a consequence of its support for United Nations-mandated operations, this would be a matter of direct concern to the international community.

5. Ministers held a detailed discussion on the development of relations between WEU and its Consultation Partners and on the current European security environment and its challenges. They reaffirmed the importance of intensifying these relations as a valuable contribution to the emergence of a more stable and peaceful order in Europe based on partnership and cooperation.

6. Concerning the early, orderly and complete withdrawal of foreign troops from the territories of the Baltic States in full accordance with international law, Ministers reaffirmed their support for the full and unconditional implementation of the relevant provisions of the Helsinki Document of 1992 and the conclusions of the CSCE Stockholm Council.

7. Ministers recognized the important role accorded to WEU by the decisions taken at Maastricht and at Petersberg and welcomed the decisions taken at Rome in November 1992 to enlarge WEU. Ministers agreed that the political dialogue within the Forum of Consultation should contribute towards gaining a clearer perception of the role of WEU in the development of the security and defence policy of the future European Union and should provide a framework in which security and defence issues of common concern could be discussed so as to be able to take account of each others' views in wider fora without duplicating the cooperation in the Atlantic framework. The development of WEU's relations with its Consultation Partners would continue to reflect increasingly close relations between the countries of Central Europe and the future European Union and its member States with the aim of extending the area of stability and security in Europe.

8. Ministers welcomed the gradual development of WEU's operational capabilities, including the establishment of the Planning Cell, and agreed to explore and promote the possibilities for cooperation between WEU and its Consultation Partners, in particular in the fields of conflict prevention, crisis management, peace-keeping and the implementation of the Conventional Armed Forces in Europe and Open Skies treaties.

In particular, Ministers stressed the value of an exchange of views on peace-keeping. While taking care to avoid any duplication, this might be the subject of a seminar at which experiences of peace-keeping in practical terms could be compared.

9. Ministers expressed their satisfaction with the growing dialogue in the Forum of Consultation thanks to the meetings which had taken place at the ambassadorial level in London on 14 October 1992 and at Brussels on 20 April 1993. They encouraged their representatives at Brussels to enhance the regular exchanges of documents and information on matters of common concern in the security and defence field. To facilitate this, Ministers agreed on the setting up of a Counsellors Group at Brussels composed of senior representatives in the delegations of the WEU countries and the Embassy Counsellors of the Consultation Partners. This Group, which would meet at least three or four times a year, would hold more detailed exchanges of view and prepare the meetings of the Forum of Consultation.

10. Ministers welcomed the close cooperation developing between the WEU Institute and the corresponding bodies in WEU's Central European partner countries. In particular they expressed their appreciation for the Institute's programme of scholarships for young researchers from Central Europe and agreed that the programme should be gradually enlarged over the next three years.

11. They further welcomed the increased contacts between the WEU Assembly and the parliaments of the Consultation Partners.

DOCUMENT S/25827

Letter dated 22 May 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

*[Original: English]
[24 May 1993]*

I have the honour to submit to you the attached letter dated 22 May 1993 from my President to you.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations*

LETTER DATED 22 MAY 1993 FROM THE PRESIDENT OF THE PRESIDENCY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA TO THE PRESIDENT OF THE SECURITY COUNCIL

In spite of the agreement on a cease-fire and the negotiations of the army commanders concerning the realization of Security Council resolution 824 (1993) on proclaiming Sarajevo a safe area, the aggressor's attacks on the city are continuing. They have been especially intensified in the last three days, when we counted 16 dead and 129 wounded civilians, 36 among them children.

Today, when we are marking the anniversary of the acceptance of the Republic of Bosnia and Herzegovina as an equal Member of the United Nations, its capital is being shelled by all the aggressor's posts. Up to 1600 hours, while I am sending this letter, there are 9 dead and 103 wounded, many of them children. Among the seriously wounded is the Vice-Prime Minister Zlatko Lagumdžija.

I ask you forthwith to inform the Security Council on this to stop the killing of innocent civilians

*President of the Presidency of the
Republic of Bosnia and Herzegovina
(Signed) Alija IZETBEGOVIĆ*

DOCUMENT S/25828

Letter dated 24 May 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

*[Original: English]
[24 May 1993]*

I have the honour to submit the attached letter dated 21 May 1993 from my Foreign Minister to you.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations

LETTER DATED 21 MAY 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF BOSNIA AND
HERZEGOVINA TO THE PRESIDENT OF THE
SECURITY COUNCIL

We have appealed to the international community for comprehensive measures to bring to an end the agony of the people of the Republic of Bosnia and Herzegovina. Recalling the letter of 14 May 1993 from President Alija Izetbegovic to the Security Council [see S/25791], preceded by my statement of 9 May 1993 [S/25755, annex], we clearly conveyed our request for more resolute steps (including suspension of the arms embargo against the Government of Bosnia and Herzegovina) to confront the ongoing Serbian aggression and challenge the occupation, even if the current mandate of United Nations peace-keeping and humanitarian personnel may have to be modified or withdrawn. Also recalling the letter of 18 May 1993 from Ambassador Muhamed Sacirbey to the Security Council [see S/25791], we conveyed our position that we can no longer accept new steps and new United Nations-mandated personnel if, in fact, they only address the symptoms and do not focus on resolving the causes. It seems that certain Member States and international organs have not heeded our request. Apparently, new steps are now being contemplated that may only marginally address the symptoms and effectively institutionalize the status quo and consolidate the fruits of aggression.

We must now re-emphasize that we are not only a "party to the conflict", but most relevantly a sovereign State Member of the United Nations. We demand that any current or future measures and mandates within the borders of the Republic of Bosnia and Herzegovina be reviewed by, and gain the specific approval of, our Government. In this context, we will not accept any new measures, mandates and/or personnel without our educated review and approval. In addition, we reserve the right to reject the presence of currently deployed United Nations-related personnel until their existing mandate, and actual implementation of such mandate, is reviewed and approved by us.

These are necessary steps, as it seems that we may become the objects of indifferent and indefinite paternalism for the sake of facilitating face-saving measures for those who fail to meet their legal obligation: the obligation to confront those who arrogantly reject peace or at least to allow the victims of genocide the unhindered opportunity of self-defence.

We will, of course, with tremendous gratitude and appreciation continue to welcome humanitarian assistance from, and the presence of, all of those who help our people without conditions unduly compromising our sovereignty and

right of self-defence and without the self-serving objective of substituting temporary relief for real solutions.

(Signed) Haris SILAJDZIC
Minister for Foreign Affairs

DOCUMENT S/25829

Letter dated 24 May 1993 from the representatives of
France, the Russian Federation, Spain, the United
Kingdom of Great Britain and Northern Ireland and the
United States of America to the President of the Security
Council

[Original: English]
[24 May 1993]

On instructions from our Governments, we have the honour to send you the attached statement made by our Ministers for Foreign Affairs in Washington on 22 May 1993 and to request that this be circulated as a document of the Security Council.

The Permanent Representative
of France to the United Nations
(Signed) Jean-Bernard MERIMEE

The Permanent Representative
of the Russian Federation
to the United Nations
(Signed) Yuliy M. VORONTOV

The Permanent Representative
of Spain to the United Nations
(Signed) Don J. Antonio YANEZ-BARNUEVO

The Permanent Representative
of the United Kingdom of Great
Britain and Northern Ireland
to the United Nations
(Signed) Sir David HANNAY

The Permanent Representative of
the United States of America
to the United Nations
(Signed) Madeleine Korbel ALBRIGHT

TEXT OF THE STATEMENT

[Original: English/French/Russian]

Joint action programme

France, the Russian Federation, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America are profoundly concerned that the conflict in Bosnia and Herzegovina is continuing despite the strenuous efforts of the international community and the Co-Chairmen of the International Conference on the Former Yugoslavia, which they strongly support, to bring an end to it.

We shall continue to work urgently to help extinguish this terrible war and to achieve a lasting and equitable settlement.

We also have common views on the most productive immediate steps to take. These should lead to implementation of relevant Security Council resolutions as well as the elaboration of further steps.

1. *Humanitarian assistance.* We will continue providing humanitarian assistance for the people of Bosnia and Herzegovina, and will insist that all parties allow humanitarian aid to pass without hindrance.

2. *Sanctions.* The economic sanctions imposed by the Security Council against Serbia and Montenegro must be rigorously enforced by all States Members of the United Nations until the necessary conditions set out in Council resolution 820 (1993), including the withdrawal of Bosnian Serb troops from territories occupied by force, are met for lifting the sanctions.

3. *Sealing borders.* We note the pledge of the Belgrade authorities to close the border with Bosnia and Herzegovina, in order to put pressure on the Bosnian Serbs to accept the peace plan. We are watching to see if the border closure is effective. Although the primary responsibility for enforcing this step belongs to Belgrade, we can assist, for instance by placing monitors on the borders or providing technical expertise or conducting aerial surveillance. We also note the willingness expressed by the Zagreb authorities for monitoring to take place along the border between Croatia and Bosnia and Herzegovina.

4. *"Safe areas".* The concept of "safe areas" in Bosnia and Herzegovina, as France and others have proposed, could make a valuable contribution. We will work to secure early adoption of the new United Nations Security Council resolution now under discussion. The United Kingdom and France along with other nations already have forces serving with UNPROFOR [United Nations Protection Force] in "safe areas". Troops from other countries, including Spain and Canada, are playing an important role on the ground. The Russian Federation is considering making forces available in Bosnia in addition to its forces presently in Croatia. The United States is prepared to meet its commitment to help protect UNPROFOR forces in the event they are attacked and request such action. Further contributions from other countries would be most welcome.

5. *No-Fly Zone.* The No-Fly Zone should continue to be enforced in Bosnia.

6. *War crimes tribunal.* We support the rapid establishment of the War Crimes Tribunal, so that those guilty of atrocities may be brought to justice.

7. *Durable peace.* Negotiated settlement in Bosnia and Herzegovina, building on the Vance-Owen process and intensified international cooperation and effort, is the way a durable peace can be established. France, Russia, Spain, the United Kingdom, and the United States will assist and actively participate in a continued political process to this end. To the extent that the parties decide to implement promptly mutually agreed provisions of the Vance-Owen Plan, this is to be encouraged.

8. *Central Bosnia and Herzegovina.* We are deeply concerned about the fighting between Bosnian Croatian and Bosnian Government forces and the related "ethnic cleansing", and we agree that Croatia should be put on notice that assistance to Bosnian Croatian forces engaged in these activities could result in the international community imposing sanctions on Croatia.

9. *Containment.* We will cooperate closely to enhance efforts to contain the conflict and prevent the possibility that it will spill over into neighbouring countries. We would regard such a development with the utmost seriousness.

10. *Former Yugoslav Republic of Macedonia.* It is essential that everyone in the region understands that aggression against the Former Yugoslav Republic of Macedonia would have grave consequences. We will support an increase in the international presence there in consultation with the authorities at Skopje. The United States is considering a contribution to this effort.

11. *Kosovo.* We favour an increase in the international monitoring presence in Kosovo. International standards of human rights should be strictly respected in the formerly autonomous region of Kosovo, although we do not support declarations of independence there.

12. *Croatia.* The same considerations apply to the Serb-populated areas of Croatia. We will work for the renewal and strengthening of UNPROFOR's mandate. The Croatian Government and the local Serb authorities should maintain the cease-fire and constructively pursue their dialogue leading to settling practical, economic, and, eventually, political problems between them.

13. *Further measures.* We will keep open options for new and tougher measures, none of which is prejudged or excluded from consideration.

We five members of the Security Council are firmly united and firmly committed to taking these immediate steps. We will work closely with the United Nations and the involved regional organizations as we carry out these efforts.

DOCUMENT S/25836*

Letter dated 24 May 1993 from the representative of Iraq to the Secretary-General

[Original: Arabic]
[25 May 1993]

On instructions from my Government, I have the honour to transmit herewith a letter dated 20 May 1993 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the negative practices and decisions adopted in the Sanctions Committee.

I should be grateful if you would have this letter circulated as an official document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

* Incorporating document S/25836/Corr.1 of 18 June 1993.

LETTER DATED 20 MAY 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF IRAQ TO THE
SECRETARY-GENERAL

I have the honour to refer to my letter dated 11 May 1993 [S/25761], in which I appealed to you to intervene in an appropriate way to deal with and put a halt to the negative practices and decisions being adopted in the Sanctions Committee, which prevent the Iraqi people from obtaining the most elementary essential humanitarian and civilian needs. I find myself once again obliged to address you, because these practices and decisions on the part of the Sanctions Committee have become an infamous course of conduct followed by some of the States represented on the Committee for the purpose of perpetuating their aggressive and shortsighted policies that are contrary to international laws and covenants and the purposes of the Charter of the United Nations.

The proceedings of the 92nd meeting of the Sanctions Committee, held on 22 April 1993, merit the adoption by you of a serious stand to demonstrate the extent of the injustice and wrong being done to the people of Iraq by these States, which are competing among themselves to obstruct and prevent the arrival of essential humanitarian and civilian items, on the basis of pretexts and arguments that have aroused much indignation from the other members of the Committee.

In a swift review of the requests that the Committee rejected at this meeting, we find the following:

1. Objection by the United States of America to 18 requests;
2. Objection by the United Kingdom of Great Britain and Northern Ireland to 12 requests;
3. Objection by France to 4 requests;
4. Objection by Japan to 2 requests.

This is in addition to putting numerous other requests on hold or deferring them on various pretexts such as asking about the identity of the end-user, the completion of information or the purpose for which they would be used.

Iraq submitted a request that Iraqi Airways be authorized to make special flights to carry approximately 2,000 pilgrims to Makkah. This request was based on humanitarian circumstances that should be respected in view of the distance between Iraq and Makkah. However, the Committee rejected this request because the above-mentioned States objected. The Committee also rejected another Iraqi request for the return of Iraqi aircraft to Baghdad for maintenance operations. They have been grounded for more than two years and have sustained serious damage owing to lack of essential maintenance, in addition to the injuries sustained by the technical personnel.

The Committee's position on these two requests is arbitrary, unjust and a malicious injury to the feelings of all Muslims. It does not transcend the framework of the tendentious political objectives of these States.

The unjustified and baseless objections that issued from the Committee at its last meeting constitute a continuation of the

policy of some of its members aimed at inflicting injury on a whole people and depriving it of the most elementary fundamental human and civil rights. We place on the Governments of these States the full responsibility for their violation of international laws and covenants.

Below are some further examples of the rejection of Iraqi requests during this meeting:

1. The Committee rejected Iraqi requests for the supply of textiles and cotton piece goods because of the objection of the United States and United Kingdom representatives on the grounds that these items constituted an input to Iraqi industry.
2. The Committee rejected a number of requests for the supply of polythene to private and government companies because of the objection of the United States and United Kingdom representatives on the grounds that it constituted an industrial input. (The quantities in question are only a small percentage of Iraq's actual requirement, but the Committee nevertheless rejected the request.)
3. The Committee rejected a number of requests for supplying Iraqi merchants with quantities of filters, glass and second-hand tyres for cars because of the objection of the French representative on the grounds that they would be used for private vehicles.
4. The Committee rejected a number of requests for the supply to Iraq of quantities of materials for making children's clothing because of the objection of the United States representative on the grounds that they constituted an input to Iraqi industry.
5. The Committee rejected a request for the supply to Iraq of quantities of quilt covers because of the objection of the United States representative on the grounds that they constituted an input to Iraqi industry.
6. The Committee rejected a number of requests for the supply of quantities of glue to Iraqi merchants because of the objection of the United States and United Kingdom representatives on the grounds that it constituted an input to Iraqi industry.

The practices of these States for which the Sanctions Committee is being used as a cover are but an expression of political positions hostile to Iraq and the proud Iraqi people and as remote as could be from the principles of international legitimacy and the Charter, especially the principle of justice and fairness.

In conclusion, I request you to exercise your good offices to put a halt to these practices, which conflict with all humanitarian considerations and the principles of justice and fairness. I request you to have this letter circulated as an official document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

**Note verbale dated 21 May 1993 from the mission of
Egypt to the Secretary-General**

[Original: Arabic]
[25 May 1993]

The Permanent Mission of the Arab Republic of Egypt to the United Nations presents its compliments to the Secretary-General and, with reference to his note dated 12 April 1993 soliciting the comments and suggestions of Governments on the question of assistance to third countries that sustain economic damage arising from the imposition of sanctions under Chapter VII of the Charter of the United Nations, has the honour to present hereunder the observations and suggestions of the Government of Egypt in this regard.

Introduction

The question of providing assistance to third countries that sustain damage arising from the imposition of sanctions has taken on particular importance in the light of the fact that the Security Council has proceeded to impose economic sanctions in the framework of its responsibility for the maintenance of international peace and security and of the damage arising from the imposition of sanctions subsequently sustained by certain countries as a result of their compliance with the provisions of the resolutions under which the sanctions were imposed. The objective of the framers of the Charter in incorporating the provisions of Article 50 should therefore be carefully and meticulously examined and agreement should be reached on the measures that must be taken to mitigate suffering and prevent serious damage to any country.

1. In the first instance, stress should be placed on the principle of the equitable sharing of the costs and responsibilities of the collective security system so that no country or group of countries bears a disproportionate or unwarranted burden by virtue of its participation in the system.
2. The experience of the recent past has clearly shown that there is a need to re-examine the provisions of Article 50 of the Charter, and it has been demonstrated that the international financial institutions presently in existence are unable to respond in a rapid and effective manner to the enormous number of claims presented by countries that have sustained damage. This is due primarily to the fact that these institutions lack the appropriate mechanisms and the necessary funds to respond to the requests made by countries. This is altogether natural, since they were not originally established for this purpose. Perhaps the truest testimony to the foregoing is the continued suffering of a large number of countries and their concern to devise an alternative system to prevent the aggravation or repetition of such suffering.

3. Article 50 of the Charter states that "... any [other] State, ..., which finds itself confronted with [special] economic problems [arising from the carrying out of those measures] shall have the

right to consult the Security Council with regard to a solution of those problems".

This right to consult raises three basic issues, namely:

(a) The fact that consultation between a country that has sustained damage and the Security Council is a right guaranteed under the Charter;

(b) The fact that consultation is not a goal in itself but that the objective is to solve the problems arising from the imposition of sanctions;

(c) The timing of the consultation, inasmuch as it is clear that, together with consultation after the imposition of sanctions, consultation before the imposition of sanctions with countries that may sustain damage would undoubtedly be very useful as a preventive measure contributing to the limitation of the scale and range of the negative impact there might be on the economies of third countries arising out of the imposition of the sanctions.

4. In the light of the foregoing, Egypt proposes the establishment of an appropriate mechanism taking the form of a standing committee of the Council, in accordance with Article 29 of the Charter, to perform two basic functions on its behalf:

First, to consult with countries susceptible to damage before imposing sanctions, although it should be stressed that the objective of such consultation would be restricted to exploring and identifying the most appropriate form for sanctions that would achieve their objective without inflicting unwarranted damage on any third party and should not, under any circumstances, have the goal of placing limitations on the principle of sanctions itself, which would remain of the essence of the Council's authority;

Secondly, to consult with countries that have sustained damage after the imposition of sanctions and to report to the Council in that regard, while bearing in mind that relative damage may differ from one country to another according to the overall scale of the economy and the extent of its dependence on a specific sector or sectors that may be affected by the imposition of sanctions on another country. This will help to direct assistance to claimant countries in terms of the proportionate and equitable distribution of any resources that become available for that purpose.

5. In an endeavour to secure the financial resources required to meet the claims of countries that have sustained damage, it may be appropriate for a fund to be established that is basically sustained by assessed contributions on the basis of the scale of assessments for peace-keeping operations as an outcome of activities mandated by the Security Council. At the same time, countries should be urged to make voluntary contributions to the fund as their participation in meeting the responsibilities of the collective security system.

* Circulated under the double symbol A/47/952-S/25839.

The Permanent Mission of the Arab Republic of Egypt requests that the present note be circulated as a document of the General Assembly and of the Security Council.

DOCUMENTS S/25840 AND ADD.1

Further report of the Secretary-General on the United Nations Angola Verification Mission II

DOCUMENT S/25840

[Original: English]
[25 May 1993]

INTRODUCTION

1. By paragraph 16 of its resolution 804 (1993) of 29 January 1993, the Security Council requested the Secretary-General

"to submit to it as soon as the situation warrants, and in any case before 30 April 1993, a report on the situation in Angola together with his recommendations for the further role of the United Nations in the peace process, and in the meantime to keep the Council regularly informed".

2. Subsequently, on 11 March 1993, my Special Representative for Angola, Miss Margaret Joan Anstee, presented an extensive oral report to the Council. On 12 March, the Council adopted resolution 811 (1993), by paragraph 9 of which it, *inter alia*, requested a progress report "on the efforts for the resumption of the talks between the two parties in Angola at all appropriate levels". In response, an oral report was submitted to the Council on 22 April 1993.

3. On 29 April 1993, the Secretary-General addressed a letter to the President of the Security Council [S/25690], in which it was recommended that, since the peace talks taking place at Abidjan under United Nations auspices had not yet reached a conclusion, the mandate of UNAVEM II [*United Nations Angola Verification Mission II*] should be extended until 31 May 1993. The Security Council agreed to this recommendation in its resolution 823 (1993) of 30 April and requested the Secretary-General to submit the report required by Security Council resolution 811 (1993) as soon as possible, and in any case before 31 May 1993, as well as to keep the Council regularly informed. A further oral report was made to the Council on 14 May 1993.

I. POLITICAL AND MILITARY DEVELOPMENTS

4. In the first part of my report to the Security Council, dated 21 January 1993 [S/25140], I stated that, to all intents and purposes, Angola had returned to civil war and was probably in an even worse situation than before the Peace Accords were signed in May 1991. Since then, regrettably, the conflict has escalated throughout the territory with dire consequences for the people of Angola. This unfortunate deterioration has occurred despite intensified international efforts to steer the peace process back on track. In my report to the Council of 21 January 1993, I described the arrangements being made by

UNAVEM II to facilitate a political and military meeting between the representatives of the Angolan Government and the National Union for the Total Independence of Angola (UNITA), at Addis Ababa, under the auspices of the United Nations, with a view to restoring the cease-fire and resuming implementation of the Bicesse Accords.

5. These efforts culminated in a meeting held at the headquarters of the Economic Commission for Africa (ECA) at Addis Ababa from 27 to 30 January 1993 at which my Special Representative presided over the plenary sessions. Its agenda, agreed on by both sides, consisted of four items: (a) re-establishment of the cease-fire; (b) conclusion of the implementation of the Peace Accords; (c) role of the United Nations in establishing and maintaining the cease-fire, in the conclusion of the implementation of the Peace Accords and in the electoral process (second round of the presidential elections); and (d) release of prisoners. The meeting established a political commission which examined the items dealing with the conclusion of the implementation of the Peace Accords and the release of prisoners, and a military commission, which dealt with the re-establishment of the cease-fire. The Government and UNITA initially agreed that the future role of the United Nations would be discussed at plenary sessions as well as in both commissions, but later decided to consider it fully at the next meeting.

6. Although the two sides were unable to reach agreement on a cease-fire, they did agree on many points, leaving a small core of issues to be discussed at a second meeting at Addis Ababa which, it was agreed, was to take place on 10 February. The Addis Ababa meeting was the first direct, high-level Government/UNITA gathering since the two parties met in the Angolan city of Namibe on 26 November 1992. Subsequently, at the request of UNITA, which indicated that its delegation was encountering logistical difficulties, and with the agreement of both sides, the date for the second meeting was postponed to 26 February 1993.

7. In the event, however, UNITA again cited difficulties of a logistical and security nature that prevented it from arriving by that date, despite UNAVEM's offer of special aircraft and safety guarantees, and requested a further delay of unspecified duration. Since my Special Representative did not consider a *sine die* postponement appropriate, the scheduled Addis Ababa meeting had to be cancelled. In a statement on 1 March 1993, Miss Anstee regretted that that decision had had to be taken on account of logistical difficulties which the United Nations considered to have been satisfactorily solved, the more so since the meeting was critical for obtaining a cease-fire agreement. The representatives of the three observer States to the Angolan peace process - Portugal, the Russian Federation and the United States of America - also issued a statement deploring that outcome and stating that they would consult their respective capitals "in order to take a position in view of the continuation of the conflict which impedes the full implementation of the Peace Accords for Angola and of UNITA's refusal to attend the second Addis Ababa meeting".

8. In the meantime, civil war was continuing to rage throughout most of the country, both sides attacking and

counter-attacking each other to score territorial and strategic gains and strengthen their negotiating position. Huambo, the second largest city in Angola and the capital of the Ovimbundu heartland, was the centre of a savage battle that lasted for almost two months, resulting in massive destruction and heavy loss of human lives, estimated at over 10,000. On 7 March 1993, the Government announced that its forces had withdrawn from Huambo "for strategic reasons". UNITA, on its part, said that it had taken full control of the city. Information on present conditions in the city is at best sketchy and unconfirmed, since United Nations requests for access to assess the humanitarian relief needs of the civilian population have so far not received the complete agreement of both sides to the conflict. Other cities have also been the scene of intense fighting or under siege. UNITA obtained control of diamond-producing areas and captured the oil-producing centre of Soyo. The Government recaptured Soyo in March, but UNITA renewed its attacks on the port. The Government has also retaken Caxito, the capital of Bengo province, 30 miles from the capital, Luanda. UNITA has kept up a sustained offensive against the towns of Kuito/Bie and Menongue, which the Government is hard-pressed to defend. The strategic town of Malange, while strongly held by government forces, has been under siege since January 1993, with supplies - insufficient for a population swelled by refugees from the surrounding countryside - being brought in only by air. Bombardment of Luenha and Saurimo has also intensified. The Government, in the meantime, claims to have recaptured the diamond-producing areas of Cafunfo and Luzamba, as well as the provincial capital of Cuanza Norte - N'dalatando - and Wako Kungo in Cuanza Sul province. UNITA refutes these claims. What is clear is that fighting throughout the country has intensified with all the human suffering that goes with it. Over all, UNITA is estimated to occupy roughly 75 per cent of Angola's territory.

9. In the light of this steadily worsening situation and the collapse of the Addis Ababa negotiations, it was clear that local opportunities for negotiating a peaceful solution had been exhausted and that action was required at the highest political level. I asked my Special Representative to come to New York from 9 to 12 March 1993 to consult with me and to brief the Security Council. In her briefing to the Council, Miss Anstee outlined several options for UNAVEM II, which included the deployment of a major peace-keeping force. The Special Representative emphasized that it was essential to review UNAVEM's mandate and make it more relevant to the very changed circumstances now prevailing. Following informal consultations, the Security Council adopted resolution 811 (1993) of 12 March which demanded an immediate cease-fire throughout the country. The resolution also called, *inter alia*, on the two parties, particularly UNITA, to produce early evidence, no later than 30 March 1993, that real progress had been made towards the implementation of the "Acordos de Paz", and invited the Secretary-General to seek to organize a meeting between the Government and UNITA at the highest possible level before 30 April 1993. So far, my intensive efforts to persuade President dos Santos and Mr. Savimbi to meet personally have been to no avail.

10. Meanwhile, various contacts aimed at finding a peaceful solution continued, and bilateral talks between the United States and a UNITA delegation were held at Abidjan from 25 to 29 March 1993. A government delegation was also on hand for informal consultations with the United States delegation, but did not take part in the talks. A statement issued by the United States after the meeting expressed the view that both parties seemed prepared to meet under United Nations auspices by 12 April 1993, and enumerated a number of interrelated issues that were suggested for discussion. On 2 April 1993, I instructed my Special Representative to consult with the Government and with UNITA on a date and venue for the resumption of direct talks under the auspices of the United Nations. As a result of these consultations, agreement was reached to meet at Abidjan on 12 April 1993 at the invitation of the Government of Côte d'Ivoire.

11. The talks began as scheduled at Abidjan, under the auspices of the United Nations and the chairmanship of my Special Representative. Besides the delegations of the two parties and of the United Nations, the three observer States also took part. At the opening session, the Minister for Foreign Affairs of Côte d'Ivoire gave a welcoming address on behalf of the host Government and a message was also read out on my behalf. The President of Côte d'Ivoire, Mr. Felix Houphouët-Boigny, took a close interest in the discussions and met several times with my Special Representative and the two delegations, as well as with representatives of the observer countries. The two delegations immediately agreed to the following agenda, which was presented by my Special Representative:

1. A cease-fire.
2. Completion of the Bicesse Accords.
3. National reconciliation, to include broadened participation by UNITA at the national, provincial and local levels.
4. Future role for the United Nations in the Angolan peace process.
5. Release of all prisoners/detainees through the International Committee of the Red Cross (ICRC).
6. Creation of the necessary conditions to permit emergency, humanitarian assistance to all Angolans.
7. Definition of the powers of provincial administration.
8. Guarantees for the security of people and property.
9. Freedom of the press.

12. The Abidjan meeting lasted six weeks. Regrettably, despite intensive efforts virtually round the clock and during weekends, it ended without agreement on 21 May 1993. The first week was devoted to exhaustive discussion of the nine

agenda items. Thereafter efforts concentrated on the preparation of a Protocol of Abidjan which, once signed, would immediately lead to a cease-fire and provide the basis for its implementation. The draft Protocol also assumes that the Security Council would authorize an expanded United Nations peace-keeping presence with a much wider mandate than that of UNAVEM II, together with commensurately greater resources, including armed troops for carrying out various functions in support of the peace process.

13. The first draft of the Protocol, which was prepared by the representatives of the three observer countries, attempted, within the context of the Bicesse Accords and the policies laid down by the Security Council, especially in its resolutions 804 (1993) and 811 (1993), to synthesize the positions expressed by the two parties and to approximate views where they differed. This first draft was exhaustively discussed and revised over the succeeding weeks and was supplemented by a Memorandum of Understanding interpreting each of its 38 points. It was to be supported by several annexes covering, *inter alia*, the future role of the United Nations; the reconstitution of the Joint Military/Political Commission, with full membership of the United Nations, and the setting up, under this Commission, of a new Military Committee to be chaired by the United Nations; the status of Mr. Savimbi; and national reconciliation, spelling out how UNITA would be incorporated at all levels of government - central, provincial and local. The above-mentioned document on the future United Nations role - a revised version of the document annexed to my report to the Security Council of 21 January 1993 - had been largely agreed by the two delegations, in a working group set up on this subject, with only one or two points outstanding. These included arrangements for the security of UNITA leaders and installations and the role of the United Nations in the second round of presidential elections.

14. The fundamental concept on which the negotiations were based, and which flowed from the earlier attempts at negotiating a settlement, was that the Government would show political flexibility, facilitating a much larger role for UNITA in government structures in return for military withdrawals by UNITA. Although the pace of advance was painfully slow, progress towards agreement on the Protocol was made. By 5 May 1993, a further revision of the draft Protocol was produced, which reflected agreement on most of the points. Among those still under discussion, however, three major areas of disagreement of particular interest to UNITA remained unresolved:

(a) First, UNITA wished to see a direct linkage between the extension of the central administration to the areas occupied by UNITA and the simultaneous implementation of the national reconciliation exercise giving UNITA a greater role in government administration at all levels;

(b) Secondly, UNITA insisted that, in order to make a cease-fire work and provide sufficient security guarantees, a substantial number of armed United Nations troops should arrive in Angola before UNITA troops moved from the cities, towns and villages occupied since the resumption of hostilities;

(c) Thirdly, UNITA maintained that there should be parity and simultaneity in the movement, withdrawal and quartering of government and UNITA troops, thus requiring far-reaching military as well as political concessions from the Government.

15. The government delegation, which had already visited Luanda briefly on two previous occasions for consultation, made a third trip on 5 May 1993 to present this latest version to President dos Santos and the Council of Ministers. The delegation returned on 8 May 1993 and informed Miss Anstee and the observer delegations that, although it had some observations on the text, it was authorized to initial it as it stood. The UNITA delegation left on 8 May for a three-day visit to consult with Mr. Savimbi, an absence which extended to six days; the delay was attributed to logistical problems and the need to meet with military commanders at the front. When the talks resumed on 14 May 1993, it became evident that, while the Government was ready to accept the Protocol as drafted, UNITA wished to propose a number of significant amendments, of which the most important related to the three issues mentioned above. Total breakdown was narrowly averted on 15 May 1993 by an initiative to put Mr. Savimbi in direct contact with myself and with President Houphouët-Boigny of Côte d'Ivoire. I sent a message to the former late that night with a personal appeal to sign the Protocol, and the following day Mr. Savimbi talked to me at length by telephone and asked for an extension of the negotiations by one week. Given the fast approach of the end of the expiration of the mandate of UNAVEM II, I agreed to a five-day extension until 21 May 1993, and Miss Anstee immediately set in motion a further round of intensive discussions. The government delegation went to Luanda again to meet with President dos Santos on 17 May 1993 and stated on its return early the next morning that it was authorized to commit the Government to appoint UNITA administrators to appropriate provincial and local positions simultaneously with the extension of the central administration to the areas now occupied by UNITA, after the withdrawal of the latter's troops to quartering areas, certified by the United Nations. This concession met the first of UNITA's three major concerns listed in paragraph 14 above.

16. The second concern, the prior arrival of armed United Nations troops, is clearly not a matter that could be decided at the Abidjan talks, but requires a decision of the Security Council, which could be taken only once the Protocol was signed. Proper cooperation of troop-contributing countries was also needed. However, my Special Representative repeatedly drew the two delegations' attention to the statements reiterated by the Council that it was willing to act quickly in the event of an agreement, most recently in paragraph 3 of resolution 823 (1993) of 30 April. The main rock on which the talks foundered was UNITA's insistence on absolute parity in the simultaneous movement and quartering of Government and UNITA troops, rather than just of UNITA troops, as drafted in the Memorandum of Understanding. Despite strenuous last-minute efforts to resolve this problem, including various attempts to reformulate the relevant paragraph, no advance could be made during the five-day extension of the talks.

17. On 21 May 1993, my Special Representative had regretfully to suspend the talks, expressing the hope that different counsels might prevail before long that would permit their being reopened and a cease-fire agreed. In this event, it would be important to build on the basis of the draft Protocol in which so much useful work has been invested, and not to reopen issues already agreed. It is important not to lose the positive momentum generated at Abidjan. That is why I hope the talks can be resumed without prolonged delay. Regrettably, in the meantime, a further intensification of the suffering of the Angolan people, who have already endured so much, seems tragically inevitable as the war continues. Humanitarian aid becomes increasingly vital; hence the importance of the international appeal being launched on 3 June 1993 and of obtaining agreement from the two sides to the emergency plan referred to in paragraphs 24 and 25 below.

18. The danger that the Angolan conflict could be widened even further is reflected in mutual allegations by both protagonists of the involvement of external parties and the use by the other side of mercenaries and other foreign forces. At a summit meeting at Harare, on 2 April 1993, the southern African front-line States, a subregional group that includes Angola, declared that the Angolan Government had a legitimate right to use all means to defend its sovereignty and territorial integrity and to this end appealed to the international community to provide assistance to the Government. On their part, the three observer countries have reaffirmed their commitment to a peaceful resolution of the conflict within the framework of the Bicesse Accords and, in a statement issued on 28 February 1993 at Lisbon following a meeting of senior officials of the three countries, called for the immediate and effective cessation of any military or paramilitary external interference on Angolan territory, in accordance with Security Council resolution 804 (1993). The observers have also stressed consistently that the United Nations has an essential role to play in the context of the peace process, the implementation of which, as mandated by the Council, takes place under the auspices of the United Nations.

II. HUMANITARIAN ASSISTANCE

19. I welcome the increased attention of the international community to the worsening humanitarian consequences of this tragic Angolan conflict. The resumption of civil war has led to the deaths of many thousands of Angolans and the wounding of many thousands more. With the escalation of fighting, the spectre of starvation, sickness and disease stalks the land, with massive internal displacements of people and escalating movements of refugees fleeing combat areas. My Special Representative has reported that a humanitarian disaster of incalculable proportions is emerging, aggravated by the drought that has severely affected Angola and the entire southern African subregion in recent years. In many Angolan provinces the war has severely disrupted the country's infrastructure, agriculture, marketing and distribution networks and basic medical services. The World Food Programme (WFP) now estimates that up to nearly 2 million Angolans are suffering from hunger, drought and disease. Most recent indications, corroborated by a number of sources closely following the situation, are that at least 1,000 people are dying

daily as a result of consequences of the war, including malnutrition affecting the most vulnerable groups.

20. In its resolution 811 (1993), the Security Council called on all Member States, United Nations agencies and non-governmental organizations (NGOs), to accord or increase humanitarian relief assistance to Angola and encouraged my Special Representative to coordinate the provision of humanitarian assistance to the population in need, with the resources at her disposal. By the same resolution, the Council appealed to both parties to the conflict to abide by applicable rules of international humanitarian law, including unimpeded access for humanitarian assistance to the civilian population in need.

21. The Council will recall that, from the outset, I had entrusted my Special Representative with the responsibility for coordinating all operations related to the peace process. In this capacity, she had already been working very closely with the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees, WFP and the relevant United Nations operational organizations and agencies. These functions have now been expanded to cover all emergency humanitarian relief operations arising out of the present situation. Recently, a United Nations Humanitarian Assistance Coordination Unit, headed by a senior official with extensive operational experience and reporting directly to my Special Representative, was set up at Luanda. Staffing and funding of the unit are still under way, but it is anticipated that some staff will be seconded from the relevant United Nations operational organizations and agencies. In the meantime, to the extent possible, UNAVEM staff are supporting this unit. All appropriate resources available to the United Nations system in Angola are being pressed into service. UNAVEM II coordinates security clearance for land and air transportation, provides communications services and, whenever possible, makes its aircraft available for humanitarian operations. In addition, UNAVEM II military and police observers, many of whom have extensive experience and knowledge of various parts of the country, accompany humanitarian flights and land convoys. As a result of these efforts, a major team effort by all United Nations agencies, in cooperation with NGOs, is under way. One of the major achievements in this regard was the transfer to Lobito and Benguela, over a five-day period, of nearly 6,000 civilian refugees, mostly women and children, who had escaped from Huambo. In the same operation, some 350 tons of food and medical supplies were transported by road and air to the needy civilian and refugee population of Caimbambo.

22. But the United Nations is able to help only a fraction of those in need. Many others, such as those in a devastated Huambo, or in the besieged towns of Kuito/Bie and Menongue, remain out of reach because of the continuing hostilities and the difficulties of persuading either side to heed the appeal that they allow unimpeded access for humanitarian assistance. In the case of Huambo, UNITA initially gave agreement for a United Nations humanitarian mission to visit the stricken city, but the Government was not ready to approve the flight. Subsequently, my Special Representative was able to obtain the agreement of President dos Santos to a joint

United Nations/NGO organization mission to fly to Huambo to assess needs, but then UNITA refused clearance on the grounds that the city's needs were well known. As to Kuito/Bie and Menongue, the Government cleared the proposed supply flights, but UNITA refused to do so. Elsewhere, humanitarian assistance is being delivered to both Government- and UNITA-controlled areas, albeit with great difficulty and often at significant risk to United Nations personnel. Despite arrangements made by UNAVEM to clear each flight with both sides, and to double-check these clearances, several very serious incidents have occurred recently which resulted in fatalities and injuries. United Nations aircraft flying into the UNITA-controlled areas of Uige on 5 April 1993 and M'banza Congo on 17 April 1993 were fired at upon arrival; at Luena, another United Nations aircraft came under fire, presumably from UNITA, at a time when it was shelling the town. During the helicopter evacuation of refugees from Caimbambo, a UNAVEM helicopter sustained damage from stray bullets. On 26 April 1993, while delivering a consignment of food, a WFP aircraft was hit, presumably by a missile, at a height said to be 16,000 feet, 30 kilometres outside Luena. The aircraft managed to return to Luena and make a crash landing just short of the runway. In the hurried evacuation of the aircraft before it caught fire, the flight navigator stepped on an anti-personnel mine and later died; all of the remaining seven crew members were injured.

23. In each case, representations have been made and apologies and explanations given in return. Meanwhile, life-threatening incidents continue to recur, despite all efforts to reach agreement on adequate procedures and guarantees. For a while, all flights had to be suspended. They have now resumed, but only to those areas where reasonable guarantees of security exist. This is highly unsatisfactory, as aid is going to only a fragment of the needy.

24. It is clear that, until such time as the fighting is stopped and a proper cease-fire negotiated, humanitarian aid can at best be only patchy and will remain a high-risk undertaking. Now that the Abidjan talks have ended in deadlock and without a cease-fire, my Special Representative has proposed to President dos Santos and to Mr. Savimbi an emergency plan for the delivery of humanitarian aid, for an initial period of one month, through mutual agreement on land and air corridors that both sides are requested to make safely accessible on specified days.

25. Up to now, immediate emergency needs have been met from existing WFP and United Nations Children's Fund stocks already in the country, but replenishments are urgently needed. By all estimates, future needs are likely to grow substantially, regardless of whether a peace agreement is possible. One of the main immediate tasks of the new United Nations Humanitarian Assistance Coordination Unit set up in late April 1993 has been to prepare and launch a comprehensive appeal for support from the international community. The plan encompasses one year - from 1 May 1993 to 30 April 1994, and envisages a total funding requirement of US\$ 226 million. The appeal has been circulated to donor countries and will be the subject of an international donors' conference at Geneva on 3 June 1993, to be chaired by my Special Representative. I

greatly hope that Member States will contribute swiftly and generously to this appeal.

26. There is another cause for concern in the humanitarian field. I refer to the increasing reports and mutual accusations by both parties of massive human rights violations and other atrocities committed against unarmed civilians in the course of the conflict. This not only aggravates an already high level of mutual mistrust and bitterness, but also compounds the humanitarian crisis, as those who fear real or perceived persecution increasingly take to the road in search of safety. It is imperative that both parties respect their responsibilities under international humanitarian law applicable to civilians and other persons taking no active part in armed hostilities, including the obligation to respect the right to life and the prohibition of torture and other cruel, inhumane and degrading treatment. I should also, in this connection, stress my belief that respect for human rights constitutes a vital, indeed a critical component, among measures to resolve, on a long-term basis, conflicts of this nature, including efforts to promote enduring conditions of peace, national reconciliation and democracy.

III. ROLE AND SITUATION OF UNAVEM II

27. The grave security situation resulting from the escalation of the fighting resulted in the withdrawal of UNAVEM teams from most of the 68 sites they originally occupied, and about which I informed the Security Council in section II of my report of 21 January 1993 [S/25140]. Since then, a further 18 locations were evacuated, leaving only 4 still occupied by UNAVEM outside Luanda, namely Benguela, Lubango, Namibe and Sumbe. This exercise has been carried out in conformity with paragraph 15 of Council resolution 804 (1993).

28. In pursuance of the above-mentioned resolution, I decided to reduce further the size of the Mission, which is currently made up of 49 international civilian staff, 75 military observers, 30 police observers, 12 paramedics and 70 local staff. This roughly corresponds to option B suggested in paragraph 30 of my previous report [ibid]. However, their number was slightly higher in February and March. Given the deterioration of the politico-military situation and the collapse of the joint monitoring and verification groups provided for under the Bicesse Accords, UNAVEM II military and police components are now concentrating their efforts on patrolling, liaising with local military and civilian officials and other confidence-building measures, as well as assisting in the delivery of humanitarian assistance to the civilian population. UNAVEM II staff are also actively attempting, with some success, to retrieve United Nations property which had to be left behind during the emergency evacuation of team sites. Should both parties to the conflict agree to end hostilities under arrangements to be monitored initially by UNAVEM II, it would be necessary not only to redeploy observers expeditiously to all parts of the country, but also to expand their number very rapidly, as the present strength would clearly be inadequate to the task. It would also be necessary to provide some armed troops very urgently to perform specific

tasks crucial to the maintenance of a cease-fire, even before any new mandate could be put into operation.

29. Despite the Security Council's appeals in resolutions 804 (1993) and 811 (1993), UNAVEM personnel continued to be exposed to threats, intimidation and, on occasion, physical attacks. On 23 February 1993, a United Nations Military Observer from Jordan was kidnapped at Cabinda by FLEC-Renovado, but was released on 15 March 1993 through the concerted efforts and active assistance of UNDP at Kinshasa. On 6 March 1993, at 0040 hours, the UNAVEM camp at Cabinda was attacked by unidentified elements with machine-guns and hand grenades, resulting in the wounding of a United Nations police observer. The container converted for living purposes, generators and vehicles were seriously damaged.

30. My Special Representative was also again the target of vituperative personal attacks in the media of both the Government and UNITA. Particularly vicious and slanderous abuse was launched against her by the UNITA radio station *Vorgan*, impugning her integrity and moral character and implying threats against her life. I issued a statement strongly condemning this intolerable and offensive behaviour as being not only in contravention of paragraph 5 of Security Council resolution 811 (1993), but also counterproductive to the anticipated peace talks between the Angolan parties, and reiterating my unequivocal support for my Special Representative. Apologies and explanations subsequently proffered by UNITA were considered inadequate by the Security Council, which, as indicated in a statement made by the President of the Council on 8 April 1993, took a grave view of the broadcast and the allegations made therein. The President's statement expressed outrage and demanded that the attacks stop immediately. A further apology and retraction of the offending remarks was made to Miss Anstee by the UNITA delegation attending the Abidjan talks. In a separate development, the Vice-President of the National Assembly made public amends to my Special Representative for an earlier pejorative article he had published in the *Jornal de Angola*.

IV. LOGISTICS, FINANCE AND ADMINISTRATION

31. Withdrawal from 18 of the 22 upcountry sites remaining at the time of the last report was completed often under very dangerous operational conditions. A Board of Inquiry was convened, which drew up a complete list of all material lost, stolen or abandoned since UNAVEM's first withdrawal in late 1992. The losses totalled \$6.7 million, consisting of \$1.9 million in vehicles and trailers, \$0.4 million in communications equipment, \$3.5 million in shelters, \$0.6 million in generators and \$0.3 million in miscellaneous equipment. Claims for compensation covering losses of personal goods are also being processed.

32. The remaining international and local staff and existing stock of vehicles, communications equipment, generators and general stores are sufficient to provide support for the 75 military observers, 30 police officers and international Professional staff in their current operational status plus

deployment to four more upcountry sites, if required. Support is also provided to the Humanitarian Aid Coordination Division of UNAVEM at its present level of activity. Some excess equipment has been redeployed to the United Nations Operation in Mozambique.

33. UNAVEM II remains at phase III security status. A comprehensive security plan has been issued covering action to be taken in the event of a further spread of hostilities, and common security coordination procedures have been established with United Nations agencies operating in Angola. The UNAVEM II and WFP aircraft currently in the country have sufficient capacity to airlift all United Nations personnel to a safe haven, if the situation so dictates.

V. OBSERVATIONS AND RECOMMENDATIONS

34. The prospect that now faces Angola is more grave than ever. The hopes for a peaceful, prosperous and democratic future that burgeoned during the months of relative peace that followed the signing of the Peace Accords almost exactly two years ago and the successful holding of elections in September 1992 now lie in tatters. War again engulfs almost the whole country and has penetrated many towns that survived the earlier long years of fighting unscathed. Its people, who have suffered from continuous war for over three decades, have now to contend with even more intensified conflict.

35. The breakdown of the Abidjan talks, coming at the end of a long chain of efforts to reach agreement ever since hostilities erupted again in October of last year, marks a major and tragic setback to the peace process. It is all the more deplorable in the light of the enormous efforts made to bring about reconciliation and peace. I should here like to pay special tribute to President Houphouët-Boigny for his untiring efforts of mediation and to those of his Minister for Foreign Affairs, Mr. Amara Essy, as well as to the generosity of the Government of Côte d'Ivoire in providing host facilities for the meeting over such a long period.

36. The failure to reach agreement at Abidjan on a cease-fire makes it essential to decide once again on the United Nations role in Angola. It would be unthinkable for the United Nations to abandon Angola at this critical juncture. All efforts, both bilateral and those of the United Nations, must be concerted towards bringing the Angolan tragedy to an end.

37. In the present circumstances, I consider that the most practical approach is to recommend a further interim extension of UNAVEM II, on a reduced basis, and in a manner which would respond to the evolution of the military and political situation. Such a mission would provide good offices and mediation, with the goal of restoring a cease-fire and reinstating the peace process along the lines of the Bicesse Accords. This would be a smaller mission with a reduced number of military, police and political personnel, of which some might also be deployed in selected locations outside Luanda. This interim extension, for which preliminary cost estimates will be provided in an addendum to the present report, could be authorized initially for two months. In the event that, in this time, the parties reach an agreement through

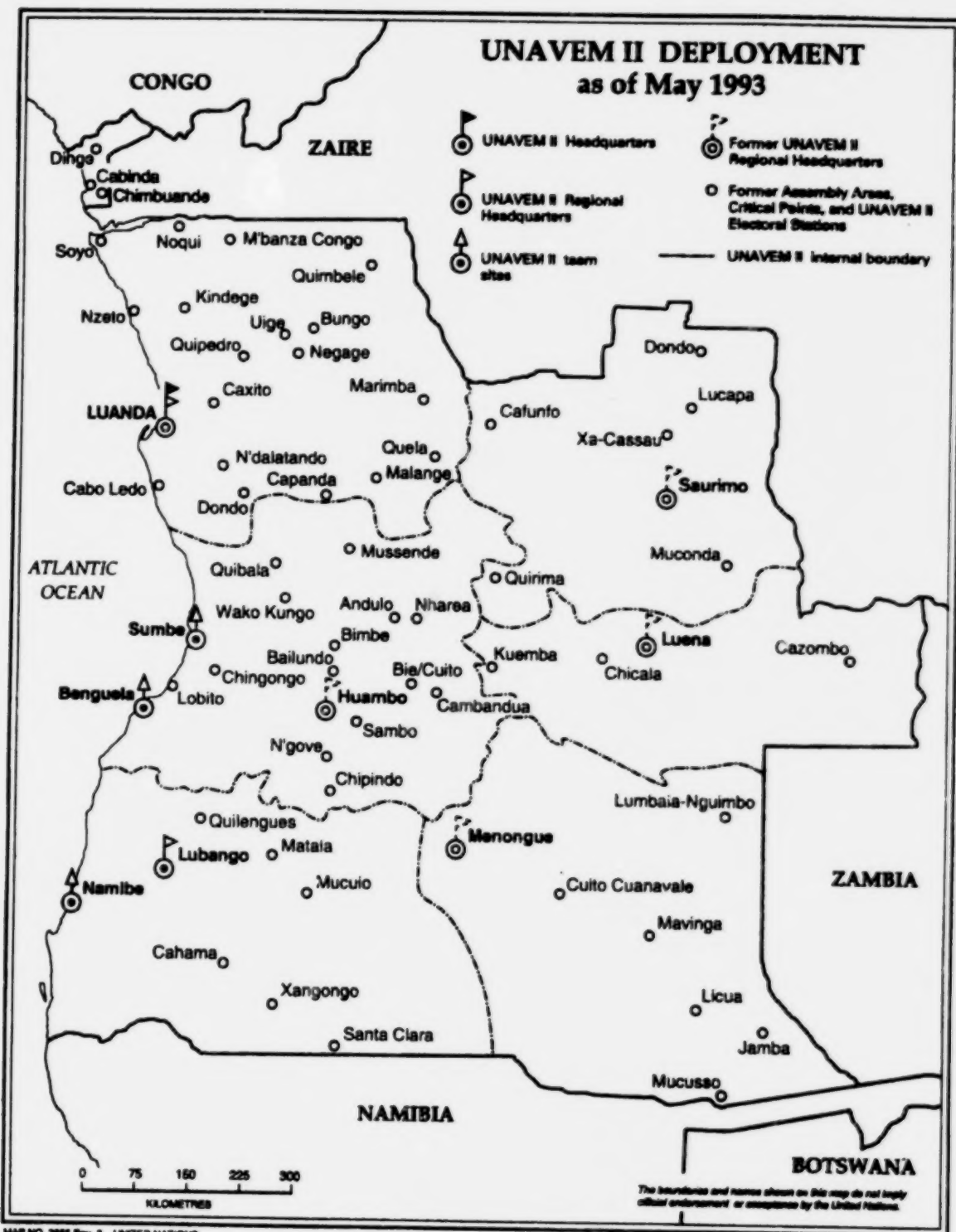
the Mission's good offices, specific proposals would be presented to the Council for adapting and strengthening the Mission's capabilities to enable it to assume whatever functions might be appropriate to ensure compliance with such an agreement. Should no agreement be forthcoming within the period of the extension, the Council would have to decide what alternative action to take.

38. With the humanitarian situation deteriorating daily, it would also be important during this interim period to devote increasing resources to coordination of that area of activity throughout the country, in support of the Emergency Humanitarian Programme being put into effect from 1 May 1993 to 30 April 1994, including the provision of adequate protection to ensure the security of the relief personnel and that aid goes only to the civilian population in need for which it is intended. This was one of the roles that the United Nations was to carry out under the expanded mandate which was considered at Abidjan. I hope that President dos Santos and Mr. Savimbi will respond positively to the new arrangements which are being proposed by my Special Representative to deliver humanitarian aid to various parts of Angola. Having this in mind, I wish to reiterate my strong appeal to the Angolans to abide by the rules of international humanitarian

law and to facilitate unimpeded access to deliver relief to the population in need.

39. Before concluding, I cannot conceal my deep concern at the level of physical and verbal attacks on UNAVEM II personnel. The General Assembly, in its resolution 47/72 of 14 December 1992, strongly demanded that all parties to a conflict take all measures possible to ensure the safety of peace-keeping and other United Nations personnel. As the Council itself has observed on other occasions, there appears to be a general trend developing of increasing attacks against United Nations peace-keeping missions around the world. It must be clearly understood by the Angolan parties that it is unacceptable that United Nations personnel be exposed to deliberate physical and verbal attacks in addition to the dangers inevitably inherent in any mission of this nature.

40. As to UNAVEM II personnel, they have continued to serve with dedication and exceptional courage in dangerous conditions, often putting their lives at risk. I would like to pay tribute to all of them, and in particular to my Special Representative, Miss Margaret Joan Anstee, and to Brigadier-General Michael Nyambuya (Zimbabwe), who has been acting as Chief Military Observer of UNAVEM II; they enjoy my fullest confidence and admiration.



MAP NO. 2886 Rev. 3 UNITED NATIONS
MAY 1993

DOCUMENT S/25840/ADD.1

[Original: English]
[27 May 1993]

1. In my report in document S/25840 above, I indicated in paragraph 37 that the preliminary cost estimates for the interim extension of UNAVEM II based on a reduction in the military, police and political personnel would be provided in an addendum to the report.

2. Should the Security Council approve my recommendation for a two-month interim extension of UNAVEM II, on the reduced basis, and in a manner which would respond to the evolution of the military and political situation, it is estimated that the total cost would amount to \$3,659,000 gross for the two-month period, from 1 June to 31 July 1993. The reduced Mission will be made up of 40 international civilian staff, 50 military observers, 18 police observers, 11 medical and 75 local staff. A breakdown of the estimated cost by main categories of expenditure is provided for information purposes in the annex to the present addendum.

3. It would be my recommendation to the General Assembly, should the Security Council decide to approve my recommendation, that the costs relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States should be credited to the UNAVEM special account.

ANNEX

**Cost estimates for the extension of the United Nations
Angola Verification Mission for the months
of June and July 1993**

(Thousands of United States dollars)

	Amount
Military observers	388
Civilian police	128
Civilian personnel	1 206
Premises, rental and maintenance	421
Vehicle operations	55
Aircraft operations	943
Communications	65
Miscellaneous equipment	5
Miscellaneous supplies, services, freight, death and disability allowance and support costs	448
TOTAL	3 659

DOCUMENT S/25841

**Report of the Committee on the Admission of New
Members concerning the application of Eritrea for
admission to membership in the United Nations**

[Original: English]
[26 May 1993]

1. At its 3215th meeting, on 25 May 1993, the Security Council had before it the application of Eritrea [S/25793] for

admission to membership in the United Nations. In accordance with rule 59 of the provisional rules of procedure of the Council and in the absence of a proposal to the contrary, the President of the Council referred the application to the Committee on the Admission of New Members for examination and report.

2. At its 94th meeting, on 25 May 1993, the Committee considered the application of Eritrea and unanimously decided to recommend to the Security Council that Eritrea should be admitted to membership in the United Nations.

3. The Committee further decided to recommend to the Security Council that it should have recourse to the provision of the last paragraph of rule 60 of its provisional rules of procedure.

4. Accordingly, the Committee recommends to the Security Council the adoption of the following draft resolution:

"The Security Council,

"Having examined the application of Eritrea for admission to the United Nations [S/25793],

"Recommends to the General Assembly that Eritrea be admitted to membership in the United Nations."

DOCUMENT S/25842

**Report of the Committee on the Admission of New
Members concerning the application of the Principality
of Monaco for admission to membership in the United
Nations**

[Original: English]
[26 May 1993]

1. At the 3216th meeting, on 25 May 1993, the Security Council had before it the application of the Principality of Monaco [S/25796] for admission to membership in the United Nations. In accordance with rule 59 of the provisional rules of procedure of the Council and in the absence of a proposal to the contrary, the President of the Security Council referred the application to the Committee on the Admission of New Members for examination and report.

2. At its 95th meeting, on 25 May 1993, the Committee considered the application of the Principality of Monaco and unanimously decided to recommend to the Security Council that the Principality of Monaco should be admitted to membership in the United Nations.

3. The Committee further decided to recommend to the Security Council that it should have recourse to the provision of the last paragraph of rule 60 of its provisional rules of procedure.

4. Accordingly, the Committee recommends to the Security Council the adoption of the following draft resolution:

"The Security Council,

"Having examined the application of the Principality of Monaco for admission to the United Nations [S/25796]

"Recommends to the General Assembly that the Principality of Monaco be admitted to membership in the United Nations."

DOCUMENT S/25844

Letter dated 26 May 1993 from the representative of Armenia to the President of the Security Council

*[Original: English]
[26 May 1993]*

I have the honour to forward to you the response of Armenia to the initiative presented on 18 May 1993 by the Chairman of the Conference on Security and Cooperation in Europe Minsk Group, the Russian Federation, the United States of America and Turkey.

I should be grateful if you would circulate this as a document of the Security Council.

*(Signed) Alexander ARZOUMANIAN
Permanent Representative of Armenia
to the United Nations*

TEXT OF THE RESPONSE

The Government of Armenia gives its accord to the 18 May 1993 initiative of the Chairman of the Conference on Security and Cooperation in Europe Minsk Group, the Russian Federation, the United States of America and Turkey. Armenia assumes responsibility for the full implementation of those parts which concern Armenia, as indicated in the proposal in connection with the implementation of Security Council resolution 822 (1993), and expresses the hope that a similar position will be adopted by the main parties to the Nagorny-Karabakh conflict, Azerbaijan and Nagorny-Karabakh.

DOCUMENT S/25845

Letter dated 26 May 1993 from the representative of Azerbaijan to the President of the Security Council

*[Original: Russian]
[26 May 1993]*

I have the honour to inform you and the members of the Security Council that, on 26 May 1993, the Azerbaijani side submitted to the embassies of the Russian Federation, the United States of America and Turkey at Baku, as an indication of its consent to the mediatory initiative undertaken by those countries, to ensure the implementation of Security Council resolution 822 (1993) and the resumption of negotiations for a peaceful settlement of the Armenian-Azerbaijani conflict, a document entitled "Schedule of urgent measures", signed by

the Prime Minister and the Minister of Defence of the Azerbaijani Republic.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

DOCUMENT S/25846

Letter dated 26 May 1993 from the representative of Azerbaijan to the President of the Security Council

*[Original: Russian]
[26 May 1993]*

I have the honour to transmit the statement issued by the Ministry of Defence of the Azerbaijani Republic in connection with the decision of the Azerbaijani side to continue, on a unilateral basis, the cease-fire in all areas affected by the Armenian-Azerbaijani conflict.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations*

TEXT OF THE STATEMENT

In connection with the approaching seventy-fifth anniversary of the proclamation of the independence of the three Transcaucasian republics, and also with a view to creating conditions conducive to the implementation of Security Council resolution 822 (1993) and the speedy signing and entry into force of the "Schedule of urgent measures", proposed by the Russian Federation, Turkey and the United States of America, the Azerbaijani Ministry of Defence has issued, as a gesture of goodwill, an order to National Army units to continue to maintain fully the unilateral cease-fire in areas of fighting from 2400 hours on 24 May to 0001 hours on 29 May (local time) when, in accordance with the "schedule", it has been proposed to de-escalate military operations in all the areas affected by conflict.

This initiative should also reconfirm the groundlessness and tendentiousness of Armenian propaganda, which has claimed that the Azerbaijani army is actively engaged in combat operations and is preparing a large-scale offensive.

Such statements should be considered as disinformation whose purpose is to undermine the peace initiative of the Russian Federation, Turkey and the United States of America.

In this connection, the Azerbaijani Ministry of Defence hopes that the Armenian side will refrain from any provocative military, political or propagandistic actions that could lead to

a new outbreak of hostilities and the failure of the peace process.

DOCUMENT S/25850

Letter dated 26 May 1993 from the representative of Armenia to the President of the Security Council

*[Original: English]
[27 May 1993]*

I have the honour to forward to you the statement of Mr. Levon Ter-Petrossian, President of Armenia, regarding the initiative presented on 18 May 1993 by the Chairman of the CSCE [*Conference on Security and Cooperation in Europe*] Minsk Group, the Russian Federation, the United States of America and the Republic of Turkey.

I should be grateful if you would circulate this statement as a document of the Security Council.

*(Signed) Alexander ARZOUMANIAN
Permanent Representative of Armenia
to the United Nations*

TEXT OF THE STATEMENT

The decision of the Republic of Armenia to give its consent to the "3+1" initiative of 18 May and to assume responsibility for the full implementation of provisions relevant to Armenia is based on the conviction that the initiative presents the first serious opportunity for peace in the region which, in turn, makes possible the resolution of the Nagorny-Karabakh conflict through peaceful negotiations.

Adopting such a position, Armenia has taken into consideration Security Council resolution 822 (1993), which must be complied with fully and without delay by all countries and parties to the conflict, as well as the necessity of avoiding the escalation and deepening of the war, for the security of the countries in the region.

These considerations notwithstanding, it must be noted that the initiative leaves room for concern with regard to the guarantees for the security and rights of the people of Nagorny-Karabakh. Armenia is not fully convinced that Azerbaijan has relinquished its policy of resolving the Nagorny-Karabakh conflict through military means.

Nevertheless, Armenia is determined to take those steps that could enhance the existing possibilities. Armenia, therefore, not only reconfirms that all of its transportation routes are open to its neighbours, including the Autonomous Republic of Nakhichevan, but that it is also ready to commit itself to a multi-party, regional agreement on this subject.

Resolving to strengthen the possibilities of peace, Armenia is also obligated to take on additional responsibilities for the security of the people of Nagorny-Karabakh, in fact to act as the guarantor for the strict implementation of points of accord. Hence, the Republic of Armenia declares, in no uncertain

terms, that it will not tolerate any violation of such points of accord, and expects that corresponding obligations will also be assumed by the authors of the initiative and the international community.

To date, four years after the militarization of the Nagorny-Karabakh conflict, the international community, including the United Nations, CSCE and individual countries, have taken practically no steps to defend the civilian population of Nagorny-Karabakh from the Azerbaijani blockade, carnage, deportations and aerial bombardments. The international community cannot insist on upholding one aspect of international law while ignoring another.

The remilitarization of Kelbadjar in case of the withdrawal of the Self-Defense Forces of Nagorny-Karabakh or, more generally, the resumption of military activities by Azerbaijan after the cessation of military activities as foreseen in the initiative not only threaten the security of the people of Nagorny-Karabakh but also, leading the mediation effort to failure, irretrievably discredit the notion of international mediation itself.

The Government of the Republic of Armenia is prepared to bring its constructive participation to the implementation of the initiative, with the understanding that by accepting this initiative Azerbaijan will have, once and for all, renounced its policy of resolving the Nagorny-Karabakh conflict through military means. The authors of the initiative, the international community and especially the United Nations and the CSCE, should henceforth hold Azerbaijan responsible for any violation of international law and standards of behaviour.

DOCUMENT S/25853*

Letter dated 19 May 1993 from the representative of Honduras to the Secretary-General

*[Original: Spanish]
[27 May 1993]*

I have the honour to transmit to you, herewith, the statement by the Ministry of Foreign Affairs of my country concerning the denunciation of the Treaty on the Non-Proliferation of Nuclear Weapons by the Government of the Democratic People's Republic of Korea.

I should be grateful if you would have the text of this letter and the statement circulated as a document of the General Assembly and of the Security Council.

*(Signed) Juan José CUEVA
Permanent Representative of Honduras
to the United Nations*

* Circulated under the double symbol A/48/179-S/25853.

TEXT OF THE STATEMENT

The Government of the Republic of Honduras expresses its deep concern at the decision of the Government of the Democratic People's Republic of Korea to denounce the Treaty on the Non-Proliferation of Nuclear Weapons and the Agreement concerning safeguards.

The position taken by the Government of the Democratic People's Republic of Korea jeopardizes peace and security in the Korean peninsula at a moment in history when progress had been made in the process of denuclearization and when the Treaty on the Non-Proliferation of Nuclear Weapons had been signed.

This position is a clear violation of the safeguard principles in effect in the international community, and for this reason, the Government of the Republic of Honduras urges the Government of the Democratic People's Republic of Korea to reconsider its decision and to fulfil the commitments undertaken earlier in the Treaty on the Non-Proliferation of Nuclear Weapons.

DOCUMENT S/25854

Letter dated 27 May 1993 from the representative of Croatia to the President of the Security Council

*[Original: English]
[27 May 1993]*

I would like to inform you that the local Serb leaders in the United Nations Protected Areas (UNPAs) on the territory of the Republic of Croatia, once again disrupted already established dialogue with the Croatian Government. The positive results of the Topusko meeting (held on 18 May in the town of Topusko between Croatian and Serbian delegation under the auspices of UNPROFOR [*United Nations Protection Force*]), are seriously undermined because of the unwillingness by the Serbian side to continue a dialogue aimed at normalizing the situation in the UNPAs.

The Serbian side refused to sign the agreement concerning cessation of all hostile activities, which has been scheduled to take effect from 1200 hours, local time, on 20 May 1993. Although it had been agreed at Topusko that the talks between the two sides would continue at Zagreb on 26 May, Serbian representatives did not show up, thus putting a halt to the advancing peace initiative.

We would like to express that the Croatian Government remains open to dialogue with the representatives of the Serbian population in the UNPAs, in the sincere hope that the process of gradual reintegration of the UNPAs with the rest of Republic can finally start. In this regard Croatia established a Governmental Committee for Normalization of Croatian-Serbian Relations, which held its first meeting on 3 May. In spite of this fact, the radical Serbs in the UNPAs are refusing to cooperate with the Croatian Government; however, the aforementioned Committee will continue its work with determined effort to bridge over the problems that have

occurred since the Serbian aggression against the Republic of Croatia.

The Croatian Government is ready to take all necessary measures for normalizing relations with the Serbian population in Croatia, especially concerning questions of the human and minority rights protection. Croatia will continue its policy of strictly following the relevant Security Council resolutions, in particular resolution 815 (1993) which states that UNPAs are "an integral part of the territory of the Republic of Croatia". The framework for the final and durable solution of the UNPA problem is emphasized in paragraph 11 of the Secretary-General's report [S/25777], which underlines that "the sovereignty and integrity of the State of Croatia has to be respected" and that "members of the Serb population in Croatia must be able to feel secure within the boundaries of the State".

It is our feeling that the reluctance of the world community immediately to start implementing all the relevant Security Council resolutions on the territory of the Republic of Croatia and the Republic of Bosnia and Herzegovina is sending the wrong signals to militant Serbian self-proclaimed leaders in the occupied parts of those republics, as well as to Serbia. Consequently we are witnessing new militant calls from the Serbian side, such as the refusal by authorities at Belgrade to follow the already accepted initiative for posting international monitors on the border between Serbia and the Republic of Bosnia and Herzegovina. Therefore Croatia calls for determined measures in restoring peace and stability in the entire region. Peaceful dialogue between the Croatian Government and the Serbian population on Croatian territory is an essential part of this process, but must not in any way jeopardize the sovereignty and territorial integrity of the Republic of Croatia.

I should be grateful if you would provide for the distribution of this letter as a document of the Security Council.

*(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations*

DOCUMENTS S/25855 AND ADD.1 AND 2

DOCUMENT S/25855

Letter dated 26 May 1993 from the Secretary-General to the President of the Security Council

*[Original: English]
[28 May 1993]*

I have the honour to transmit to you, and through you to the members of the Security Council, the report I prepared pursuant to paragraph 3 of Security Council resolution 817 (1993) on the exercise of good offices by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in respect of the difference which has arisen in connection with the request for admission to membership in the United Nations of the State admitted as the former Yugoslav Republic of Macedonia.

In doing so, I should like to draw your attention to the view expressed to me by Mr. Vance and Lord Owen, which is mentioned in section III of the report and which I share, that an early endorsement of their proposals by the Security Council would help the parties to reach agreement.

(Signed) Boutros BOUTROS-GHALI

ANNEX I

Report of the Secretary-General, submitted pursuant to Security Council resolution 817 (1993), on the exercise of good offices by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia in respect of the difference which has arisen in connection with the request for admission to membership in the United Nations of the State admitted as the Former Yugoslav Republic of Macedonia

14 May 1993

INTRODUCTION

1. On 7 April 1993, the Security Council adopted resolution 817 (1993) (see annex II below) on the application for admission to the United Nations of the State later admitted as the former Yugoslav Republic of Macedonia (General Assembly resolution 47/225 of 8 April 1993). In its resolution, the Council:

[Noted] ... that a difference has arisen over the name of the State, which needs to be resolved in the interest of the maintenance of peaceful and good-neighbourly relations in the region,

and

[Welcomed] ... the readiness of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia, at the request of the Secretary-General, to use their good offices to settle the above-mentioned difference, and to promote confidence-building measures among the parties.

2. On 12 April, the Co-Chairmen wrote to the Secretary-General stating their readiness to help settle the difference and to promote confidence-building measures among the parties. They stated that they would do so expeditiously and report to the Secretary-General within two months at the latest. Though it proved not to be possible for this work to be completed by 30 April, the last day on which Mr. Vance held the office of Co-Chairman of the Steering Committee of the International Conference on the Former Yugoslavia, he agreed, at the request of the two parties and of the Secretary-General, to continue his functions under the Security Council resolution.

I. DISCUSSIONS WITH THE PARTIES

3. The discussions with the parties described below took place against the background of earlier work done within the framework of the European Community conference on the former Yugoslavia, and in particular:

- Opinion No. 6 on the recognition of the Socialist Republic of Macedonia by the European Community and its member States rendered by the Arbitration Commission presided over by Mr. R. Badinter (annex III);

- Draft Treaty for the Confirmation of the Existing Frontier, prepared by Sir Robin O'Neill, Envoy of the President of the European Community (annex IV).

4. During the course of the discussions, the two delegations raised issues that they wished the Co-Chairmen to consider. The two sides also provided written submissions in support of their positions or proposed particular texts.

5. On 12 and 13 April, the Co-Chairmen held several meetings each with a Greek delegation led by Foreign Minister Papaconstantinou, and with a delegation from the former Yugoslav Republic of Macedonia led by Deputy Prime Minister and Acting Foreign Minister Crvenkovski.

6. Following this initial round of discussions, the Co-Chairmen arranged for technical discussions to be held from 14 to 26 April between their legal expert and the legal experts of the two delegations. Based on these technical discussions, a working paper was prepared and submitted to the two delegations on 21 April for their comments.

7. Additionally, Lord Owen, accompanied by Mr. Vance's Special Adviser, held talks with the parties in their capitals. On 22 and 23 April, he met with President Gligorov at Skopje and Prime Minister Mitsotakis and Special Envoy Papoulias at Athens.

8. Discussions on the working paper were held with the two delegations between 27 and 29 April at United Nations Headquarters in New York. On 29 April, the Co-Chairmen submitted to the two sides a draft Treaty Confirming the Existing Frontier and Establishing Measures for Confidence Building, Friendship and Neighbourly Cooperation.

9. During their visit to Athens in connection with the peace talks relating to Bosnia and Herzegovina, Mr. Vance and Lord Owen also met on 1 May with Prime Minister Mitsotakis to discuss the draft Treaty.

10. Between 5 and 14 May, Mr. Vance and Lord Owen met a number of times with delegations led on the one hand by Foreign Minister Papaconstantinou of Greece and by either President Gligorov or by Deputy Prime Minister and Acting Foreign Minister Crvenkovski of the former Yugoslav Republic of Macedonia. At the conclusion of these discussions, Mr. Vance and Lord Owen gave the two delegations the draft of a proposed Treaty Confirming the Existing Frontier and Establishing Measures for Confidence Building, Friendship and Neighbourly Cooperation, the text of which appears in annex V to the present report.

II. THE PROPOSALS TO THE PARTIES

11. The draft Treaty that Mr. Vance and Lord Owen presented to the parties on 14 May was prepared on the basis of the extensive consultations outlined above and represents, in their judgement and also in that of the Secretary-General, an appropriate and fair balancing of the various claims and aspirations, on many points directly conflicting, of the two parties. Part A includes a number of special provisions designed to promote friendly relations and to constitute confidence-building measures, while parts B to E set out normal provisions for friendship and neighbourly cooperation appropriate to the interaction of two adjoining States that are for the first time establishing relations with each other.

12. With respect to the name to be used by the State that was admitted to the United Nations with the provisional name of the former Yugoslav Republic of Macedonia, which name was of

particular concern to the Security Council in adopting its resolution 817 (1993), the position of the two parties was far apart:

(a) The Greek delegation stated its position that the other party should not use a name [in its international relations,]^{*} that included the word "Macedonia"; it indicated, however, that if that term were to be included in a name to be used for both domestic and international purposes, then the name "Slavomacedonia" could be envisaged.

(b) The delegation of the former Yugoslav Republic of Macedonia prefers that the name used for all purposes be that set out in the Constitution: "The Republic of Macedonia"; it was, however, prepared to discuss the modalities of the use of a name for international purposes only.

13. Mr. Vance and Lord Owen consider that the name to be used should be the same for all official purposes, both domestic and international. Taking into account the continuing disagreement of the parties as to what that name should be, and the number of alternatives that were proposed at one time or another by one of the parties or by the Co-Chairmen, all of which proposals were rejected by one or both parties, Mr. Vance and Lord Owen have proposed the following name: "The Republic of Nova Makedonija", to be used for all official purposes, domestic and international.

III. OUTLOOK

14. The draft Treaty, the text of which appears in annex V to the present report, and the name proposed by Mr. Vance and Lord Owen are, as stated above, before the parties. The reaction of the parties to the good offices thus exercised has not yet been communicated to Mr. Vance and Lord Owen. I share the view expressed to me by Mr. Vance and Lord Owen that an early endorsement of their proposals by the Security Council would help the parties to reach agreement. If their reaction is positive, Mr. Vance and Lord Owen would arrange for the draft Treaty to be signed at an early date. The new name could be used as of the same date. Should, however, the parties be unable to reach agreement on the basis of these proposals, then it would be for the Security Council to decide on further steps.

ANNEX II

Resolution 817 (1993), adopted by the Security Council at its 3196th meeting on 7 April 1993

[For the text, see Resolutions and Decisions of the Security Council, 1993.]

ANNEX III

Opinion No. 6 on the recognition of the Socialist Republic of Macedonia by the European Community and its member States rendered by the Arbitration Commission

[Original: English/French]

In a letter dated 20 December 1991 to the President of the Council of the European Communities, the Minister for Foreign Affairs of the Republic of Macedonia asked the member States of the Community to recognize the Republic.

^{*} Mr. Vance and Lord Owen understood that the Greek position included the bracketed phrase. However, on checking this point with the Greek delegation after Lord Owen had already left for Moscow, the delegation indicated that the bracketed phrase should be excluded.

The Arbitration Commission proceeded to consider this application in accordance with the Declaration on Yugoslavia and the Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union adopted by the Council on 16 December 1991 and the rules of procedure adopted by the Arbitration Commission on 22 December.

For the purposes of its deliberations the Commission took note of the following materials supplied by the Socialist Republic of Macedonia:

- Declaration of 19 December 1991 by the Assembly of the Republic of Macedonia, appended to the above-mentioned letter from the Minister for Foreign Affairs;
- Letter of 20 December 1991 from the Minister for Foreign Affairs of the Republic of Macedonia;
- Answers to the Commission's questionnaire sent to the Republics concerned on 24 December 1991;
- Report on the results of the referendum held on 8 September 1991;
- Declaration of 17 September 1991 by the Assembly of the Republic of Macedonia;
- Constitution of the Republic of Macedonia of 17 November 1991 and amendments passed on 6 January 1992;
- Letter of 11 January 1992 sent by the Minister for Foreign Affairs to the Chairman of the Arbitration Commission in response to the Commission's request of 10 January 1992 for additional information.

Having regard to the information before it, and having heard the Rapporteur, the Arbitration Commission delivers the following opinion:

1. In his answers to the Commission's questionnaire, the Minister for Foreign Affairs made the following statements on behalf of the Republic of Macedonia:

(a) In response to the question what measures Macedonia had already taken, or intended to take, to give effect to the principles of the Charter of the United Nations, the Helsinki Final Act and the Charter of Paris:

"The Constitutional Act to give effect to the Constitution of the Republic of Macedonia states that the Republic of Macedonia bases its international position and its relations with other States and international organizations on the generally accepted principles of international law (article 3).

"The Constitutional Act to give effect to the Constitution of the Republic of Macedonia defines that the Republic of Macedonia, as an equal legal successor of the Socialist Federal Republic of Yugoslavia [SFRY] together with the other republics, takes over the rights and obligations arising from the creation of the SFRY (article 4)."

(b) In response to the question what measures Macedonia had already taken, or intended to take, to guarantee the rights of the ethnic and national groups and minorities on its territory:

"The Constitution of the Republic of Macedonia provides for the establishment of a Council for Inter-Ethnic

Relations, which shall consider issues of inter-ethnic relations in the Republic. The Council, composed of all the nationalities on a parity basis, apart from the President of the Assembly, consists of two members from the ranks of the Macedonians, the Albanians, the Turks, the Vlachs and the Roms, as well as two members from the ranks of other nationalities in Macedonia. The Assembly is obliged to take into consideration the appraisals and proposals of the Council and to pass decisions regarding them (article 78)."

- (c) In response to the question whether Macedonia would undertake not to alter its frontiers by means of force:

"Yes, the Republic of Macedonia respects the inviolability of the territorial borders which could be changed only in a peaceful manner and by mutual consent.

"The Assembly of the Republic of Macedonia, in its declaration of 17 September 1991, states that the Republic of Macedonia, strictly respecting the principle of inviolability of frontiers, as a guarantee for peace and security in the region and wider, confirms its policy of neither expressing nor having territorial claims against any neighbouring country (article 4)."

- (d) In response to the question whether Macedonia was willing to abide by all the undertakings given on disarmament and the non-proliferation of nuclear weapons:

"Yes, the Republic of Macedonia undertakes all relevant obligations referring to disarmament and nuclear non-proliferation, as well as security and territorial stability."

- (e) In response to the question whether Macedonia was prepared to settle by agreement all questions relating to State succession in Yugoslavia and regional disputes, or by recourse to arbitration if necessary:

"Yes, the Republic of Macedonia accepts this obligation and strives for the resolution of all issues relating to the succession of States and to regional disputes, and in case this cannot be reached, by arbitration."

- (f) In response to the question what measures Macedonia had already taken, or intended to take, to honour this undertaking:

"The Constitutional act for implementation of the Constitution of the Republic of Macedonia regulates the question of succession and states that the Republic of Macedonia as an equal successor with the other republics of the SFRY will assume the rights and obligations of the SFRY under the agreement with the other republics for the legal succession of the SFRY and mutual relations (article 4)."

- (g) In response to the question whether, and in what form, Macedonia had accepted the draft Convention of 4 November 1991 prepared by the Conference on Yugoslavia:

"The Assembly of the Republic of Macedonia, on a proposal by the Government of the Republic of Macedonia, passed a Declaration on 19 December 1991 accepting the draft Convention prepared by the Conference on Yugoslavia (article 3)."

- (h) In response to the question whether acceptance applied more specifically to chapter II of the draft Convention:

"Yes, the Republic of Macedonia accepts the provisions of chapter II of the draft Convention concerning human rights and the rights of national or ethnic groups."

2. Following a request made by the Arbitration Commission on 10 January 1992, the Minister for Foreign Affairs of the Republic of Macedonia stated in a letter of 11 January that the Republic would refrain from any hostile propaganda against a neighbouring country which was a member State of the European Community.
3. The Arbitration Commission also notes that on 17 November 1991 the Assembly of the Republic of Macedonia adopted a Constitution embodying the democratic structures and the guarantees for human rights which are in operation in Europe.

For the protection of minorities in particular the Constitution contains a number of special provisions, whose main features at least should be mentioned:

(a) The main provision is to be found in article 48 (1), which states that members of the several nationalities have the right to the free expression, cultivation and development of their national identity; the same applies to national "attributes".

(b) In article 48 (2) the Republic guarantees that the ethnic, cultural, linguistic and religious identity of the several nationalities will be protected.

(c) Article 48 (3) gives members of the several nationalities the right to set up cultural and artistic institutions and educational and other associations that will enable them to express, cultivate and develop their national identity.

(d) Under article 48 (4) they also have the right to be educated in their own language at both primary and secondary levels.

These provisions are to be given effect by statute. In schools where instruction is to be given in the language of one of the other nationalities, the Macedonian language must also be taught.

(e) In this connection article 45 is important since it provides that any citizen may set up a private school at any educational level except primary. Article 19 (4) provides that religious communities are also entitled to establish schools. In both these cases, however, the precise extent of the rights in question has still to be determined by legislation.

(f) In the matter of language and script, article 7 (2) provides that in communities where the majority of the inhabitants belong to another nationality, the language and script of that other nationality must be used for official purposes, alongside the Macedonian language and the Cyrillic alphabet. Article 7 (3) makes the same provision for communities where a substantial number of inhabitants belong to a given nationality. In both these cases, however, the rights in question have still to be determined in precise terms by legislation.

(g) Article 9 (1) of the Constitution prohibits any discrimination on grounds of race, colour, national or social origin, or political or religious convictions.

4. On 6 January 1992 the Assembly of the Republic of Macedonia amended the Constitution of 17 November 1991 by adopting the following Constitutional Act:

"These Amendments are an integral part of the Constitution of the Republic of Macedonia and shall be implemented on the day of their adoption.

"Amendment I

"1. The Republic of Macedonia has no territorial claims against neighbouring States.

"2. The borders of the Republic of Macedonia could be changed only in accordance with the Constitution, and based on the principle of voluntariness and generally accepted international norms.

"3. Item 1 of this Amendment is added to article 3; and item 2 replaces paragraph 3 of article 3 of the Constitution of the Republic of Macedonia.

"Amendment II

"1. The Republic shall not interfere in the sovereign rights of other States and their internal affairs.

"2. This Amendment is added to paragraph 1 of article 49 of the Constitution of the Republic of Macedonia."

5. The Arbitration Commission consequently takes the view:

- that the Republic of Macedonia satisfies the tests in the Guidelines on the Recognition of New States in Eastern Europe and in the Soviet Union and the Declaration on Yugoslavia adopted by the Council of the European Communities on 16 December 1991;

- that the Republic of Macedonia has, moreover, renounced all territorial claims of any kind in unambiguous statements binding in territorial law; that the use of the name "Macedonia" cannot therefore imply any territorial claim against another State; and

- that the Republic of Macedonia has given a formal undertaking in accordance with international law to refrain, both in general and pursuant to article 49 of its Constitution in particular, from any hostile propaganda against any other State: this follows from a statement which the Minister for Foreign Affairs of the Republic made to the Arbitration Commission on 11 January 1992 in response to the Commission's request for clarification of Constitutional Amendment II of 6 January 1992.

Paris
11 January 1992

R. Badinter

ANNEX IV

Treaty for the Confirmation of the Existing Frontier

The States Parties to the present Treaty,

- Recalling the principles of the inviolability of frontiers and the territorial integrity of States which are incorporated in the Final Act of the Conference on Security and Cooperation in Europe signed in Helsinki,
- Bearing in mind the relevant provisions of the United Nations Charter and, in particular, those referring to the obligation of States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State,

- Inspired by a spirit of good-neighbourliness and a desire to avoid conflicts between them,
- Desiring to develop their mutual relations and to lay firm foundations for a climate of friendship and lasting understanding,
- Considering their mutual interest for the maintenance of international peace and security,
- Desiring to confirm the existing frontier between them as an enduring international frontier,
- Desiring to ensure that the frontier is a bond of friendship between them,

Have agreed as follows

Article 1

- The two States Parties to the present Treaty hereby confirm their common existing frontier as an enduring and inviolable international frontier.

Article 2

- The two States Parties undertake to respect the sovereignty, the territorial integrity and the political independence of each other.

Article 3

- The two States Parties shall refrain from threats or the use of force aimed at the violation of the common existing frontier, in accordance with the purposes and principles of the Charter of the United Nations, and agree that neither of them will assert or support claims to any part of the territory of the other State or claims for a change of the present frontier.

Article 4

- The two States Parties will work together and cooperate to maintain and ensure the lawful and free movement of goods and persons through the frontier, in conformity with the obligations which the Parties have assumed under the relevant International Conventions.

ANNEX V

Draft proposed by Cyrus Vance and Lord Owen on 14 May 1993

Treaty Confirming the Existing Frontier and Establishing Measures for Confidence Building, Friendship and Neighbourly Cooperation

The Republic of Greece and the Republic of Nova Makedonija,

Recalling the principles of the inviolability of frontiers and the territorial integrity of States incorporated in the Final Act of the Conference on Security and Cooperation in Europe, signed at Helsinki,

Bearing in mind the provisions of the Charter of the United Nations and, in particular, those referring to the obligation of States to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State,

Guided by the spirit and the principles of democracy and fundamental freedoms and respect for human rights and dignity, in

accordance with the Charter of the United Nations, as well as the Helsinki Final Act, the Charter of Paris for a New Europe and other pertinent acts of the Conference on Security and Cooperation in Europe,

Inspired by a spirit of good-neighbourliness and the desire to avoid conflicts between them,

Considering their mutual interest in the maintenance of international peace and security, especially in their region,

Desiring to confirm the existing frontier between them as an enduring international border and to ensure that that frontier constitutes a bond of friendship between them,

Recalling their obligation not to intervene, on any pretext or in any form, in the internal affairs of the other,

Desiring to develop their mutual relations and to lay firm foundations for a climate of friendship and lasting understanding,

Realizing that economic cooperation is an important element for the development of mutual relations on a stable and firm basis, as well as desiring to develop and promote future cooperation,

Have agreed as follows:

A. FRIENDLY RELATIONS AND CONFIDENCE-BUILDING MEASURES

Article 1

1. Upon ratification of the present agreement, the Republic of Greece shall formally recognize the Republic of Nova Makedonija and the Parties shall promptly establish diplomatic relations at the ambassadorial level.

2. The Parties shall consult regularly on the development and promotion of their bilateral relations. For this purpose they hereby establish an Inter-ministerial Joint Commission, which shall meet at least once a year, alternately in their respective capitals.

3. Each Party shall designate a senior official who shall at all times be immediately available to the other, for the purpose of promptly considering and bringing to the attention of the competent authorities any matter or incident involving the security, tranquillity or general order of their mutual frontier. These officials shall meet from time to time and shall develop any agreed procedures necessary to carry out their responsibilities.

Article 2

The Parties hereby confirm their common existing frontier as an enduring and inviolable international border.

Article 3

Each Party undertakes to respect the sovereignty, the territorial integrity and the political independence of the other Party.

Article 4

The Parties shall refrain, in accordance with the purpose and principles of the Charter of the United Nations, from the threat or use of force designed to violate their existing frontier, and they agree that neither of them will assert or support claims to any part of the territory of the other Party or claims for a change of their existing frontier.

Article 5

The Republic of Nova Makedonija hereby agrees to use that name for all official purposes.

Article 6

1. The Republic of Nova Makedonija hereby solemnly declares that nothing in its Constitution, and in particular in the preamble thereto or in article 3, can be interpreted as constituting or will ever constitute the basis of any claim by the Republic of Nova Makedonija to any territory not within its existing frontiers.

2. The Republic of Nova Makedonija hereby solemnly declares that nothing in its Constitution, and in particular in article 49, can be interpreted as constituting or will ever constitute the basis of any claim by the Republic of Nova Makedonija specifically to protect the status and rights of any persons in other States who are not its citizens.

3. The Republic of Nova Makedonija furthermore solemnly declares that article 5, regarding the use of that name, and the interpretations given in paragraphs 1 and 2 of article 6 of this international agreement will not be superseded by any other interpretation of its Constitution.

Article 7

1. Each Party shall promptly take effective measures to prohibit hostile activities or propaganda by State-controlled agencies and to discourage acts by private entities that are likely to incite violence, hatred or hostility against each other, and especially activities of an irredentist nature against the other Party.

2. Each Party undertakes not to use symbols, names, flags, monuments or emblems constituting part of the historic or cultural patrimony of the other Party; in this regard the Republic of Nova Makedonija agrees, as a confidence-building measure, not to use the Vergina Sun in any way. Furthermore, each Party shall respect the official geographic names and toponyms in the other country, as recommended by the United Nations Conference for the Standardization of Geographic Names, and shall endeavour to use only these designations in their official documents, publications and maps.

3. If either Party brings to the attention of the other any alleged violation of paragraph 1 or 2, the latter shall promptly take the necessary corrective action or indicate why it does not consider that it need do so.

B. HUMAN AND CULTURAL RIGHTS

Article 8

1. In the conduct of their affairs the Parties shall be guided by the spirit and principles of democracy and fundamental freedoms and respect for human rights and dignity and the rule of law, in accordance with the Charter of the United Nations, the Universal Declaration of Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Helsinki Final Act, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe and the Charter of Paris for a New Europe.

2. No provision of the instruments listed in paragraph 1 shall be interpreted so as to give any right to perform an action contrary to the

aims and principles of the Charter of the United Nations, or of the Helsinki Final Act, including the principle of the territorial integrity of States.

Article 9

The Parties shall cooperate in maintaining and cherishing the European cultural heritage.

Article 10

Convinced that the development of human relations is necessary for improving understanding and good-neighbourliness of their two peoples, the Parties shall encourage contacts at all appropriate levels and shall not discourage meetings between their citizens.

C. EUROPEAN INSTITUTIONS

Article 11

1. The Republic of Greece shall endeavour to support, wherever possible, the admission of the Republic of Nova Makedonija to those European institutions of which Greece is a member.

2. The Parties agree that the ongoing economic transformation of the Republic of Nova Makedonija should be supported through international cooperation, as far as possible by a closer relationship of the Republic of Nova Makedonija with the European Economic Area and the European Community.

D. TREATY RELATIONS

Article 12

1. The Parties shall apply in their relations the provisions of the following bilateral agreements that had been concluded between the Republic of Greece and the former Socialist Federal Republic of Yugoslavia on 18 June 1959:

- (a) Convention concerning mutual legal relations,
- (b) Agreement concerning the reciprocal recognition and the enforcement of judicial decisions; and
- (c) Agreement concerning hydro-economic questions.

At the request of either Party they shall consult concerning the renegotiation of any of these agreements, with a view to replacing them by ones concluded directly between the Parties.

2. The Parties shall consult with each other in order to examine the status and applicability of the other bilateral agreements that had formerly been in force between the Republic of Greece and the former Socialist Federal Republic of Yugoslavia, with a view either to renewing or renegotiating those agreements within six months of the entry into force of the present agreement.

3. The Parties may conclude additional bilateral agreements in areas of mutual interest.

Article 13

Having regard to the fact that the Republic of Nova Makedonija is a land-locked State, the Parties shall, when concluding the agreements provided for in article 14, take into account, as far as practicable, the provisions of the 1965 Convention on Transit Trade of Land-locked States.

Article 14

1. The two Parties shall encourage the development of friendly and good-neighbourly relations between them and shall reinforce their economic cooperation in all sectors, including that of water resources management. In particular they shall promote, on a reciprocal basis, road, rail, maritime and air transport and communication links, using the best available technologies, and facilitate the transit of their goods between them and through their territories and ports.

2. To this end they shall initiate within one month from the entry into force of this Agreement, negotiations aimed at signing, within six months or as soon as possible thereafter, of agreements of cooperation in the aforementioned areas, taking into account the obligations of the Republic of Greece deriving from its membership in the European Community and from other international instruments. Such agreements shall relate to visas, work permits, economic cooperation on both the bilateral and the multilateral level, including cooperation between the Republic of Nova Makedonija and the European Community and other international institutions.

E. ECONOMIC, COMMERCIAL, ENVIRONMENTAL AND LEGAL RELATIONS

Article 15

1. The Parties shall strengthen their economic relations in all fields.

2. The Parties shall, in particular, support development and cooperation in the field of capital investments, as well as industrial cooperation between enterprises. Special attention shall be paid to cooperation between small and medium-sized companies and enterprises.

Article 16

1. The Parties shall develop and improve scientific and technical cooperation, as well as cooperation in the field of education.

2. The Parties shall intensify their exchanges of information and of scientific and technical documentation, and shall strive to improve mutual access to scientific and research institutions, archives, libraries and similar institutions.

3. The Parties shall support initiatives by scientific institutions and by individuals aimed at improving cooperation.

Article 17

The Parties shall emphasize their mutual cooperation in the agro-industrial field, with particular reference to health-food production.

Article 18

The Parties are aware that it is desirable to improve the utilization of land, especially between neighbouring States, and shall cooperate to this end.

Article 19

1. The Parties shall take great care to avoid dangers to the environment and to preserve natural living conditions, especially in the lakes and rivers shared by the two States.

2. The Parties shall cooperate to eliminate all forms of pollution in border areas.

3. The Parties shall strive to develop and harmonize strategies and programmes for regional and international cooperation for protecting the environment.

Article 20

The Parties shall cooperate to alleviate the consequences of disasters.

Article 21

1. The Parties shall improve and promote business and tourist travel.

2. The Parties shall make joint efforts to improve and accelerate customs and border formalities, including simplification in the issue of visas to each other's citizens, consistent with the obligations of the Republic of Greece arising from its membership of the European Community and from relevant instruments of the Community.

3. The Parties shall endeavour to improve and modernize existing border crossings as required by the flow of traffic, and construct new ones as necessary.

Article 22

1. The Parties shall develop, intensify and improve their consular relations and legal cooperation, and within this framework provide legal assistance to each other in criminal, civil, social and administrative affairs, respecting their respective legal orders as well as bilateral and multilateral treaties and conventions.

2. The Parties shall cooperate in their fight against organized crime, terrorism, economic crimes, narcotics crimes, illegal trade in cultural property, offenses against civil air transport and counterfeiting.

F. FINAL CLAUSES

Article 23

1. The Parties shall settle any disputes exclusively by peaceful means in accordance with the Charter of the United Nations.

2. Unless otherwise agreed by the Parties, any difference or dispute that arises between them concerning the interpretation or implementation of the present agreement may be submitted by either of them to the International Court of Justice.

Article 24

The present agreement is not directed against any other State or entity. It does not infringe on the rights and duties resulting from bilateral and multilateral agreements already in force that the Parties have concluded with other States or international organizations.

Article 25

1. The present agreement is subject to ratification. The instruments of ratification shall be exchanged as soon as possible. The agreement shall come into force on the day of such exchange.

2. The present agreement shall remain in force indefinitely, provided that after twenty years either Party may terminate it by a written notice, which shall take effect twelve months after its delivery to the other Party.

In Witness Whereof the Parties have, through their authorized representatives, signed four copies of the present agreement in the English language; within two months the United Nations is to prepare, in consultation with the Parties, translations into their languages, which shall constitute part of the registration of the present agreement with the Secretariat of the United Nations.

Constantine Mitsotakis

Kiro Gligorov

WITNESSED, in accordance with Security Council resolution 817 (1993), by:

Cyrus Vance

Lord Owen

DOCUMENT S/25855/ADD.1

Letter dated 28 May 1993 from the Secretary-General to the President of the Security Council

[Original: English]
[3 June 1993]

I have the honour to transmit to you, and through you to the members of the Security Council, a statement which was handed to me by Mr. George D. Papoulas, Ambassador and Special Envoy, on behalf of the Government of Greece on 27 May 1993.

This is further to my report pursuant to paragraph 3 of Security Council resolution 817 (1993) which I transmitted to you with my letter of 26 May 1993 in document S/25855 above.

(Signed) Boutros BOUTROS GHALI

TEXT OF THE STATEMENT

With reference to the discussions held in New York with Mr. Vance and Lord Owen and to the draft agreement of 14 May 1993 handed over by them to the Minister of Foreign Affairs of Greece, the Greek Government would like to state the following:

The Greek Government wishes to express its sincere appreciation to Mr. Vance and Lord Owen for the progress so far accomplished and considers, in principle, the draft presented as a satisfactory basis for establishing good neighbourly relations between Greece and the former Yugoslav Republic of Macedonia.

Although this draft comes short of Greek desiderata, the Greek Government, notwithstanding a number of reservations, does not propose, under the present circumstances, to raise any objections, should the name of the new State be such as to fulfil the requirements for unhindered future relations between the two countries, guaranteeing long term peace and stability. It should be emphasized that this always constitutes the main aim of the Greek Government.

Indeed, Greece deems it useful to reiterate her original stand, that the word "Macedonia" should not be included in the name of the new State. Nevertheless, in a spirit of genuine compromise Greece has suggested the adoption of the name "Slavomakedonija" which, to some extent, could meet Greek requirements, and pragmatically reflects the prevailing situation in this State. As it has been thoroughly explained, the name "Nova Makedonija" opted by Mr. Vance and Lord Owen creates serious difficulties to Greece.

Greece is aware of the urgent need for a speedy conclusion of the process decided by the Security Council. However, as the main issue, i.e. the name, has not been settled as yet in a way to eradicate the well known problems and still threatens to perpetuate the existing tensions and frictions in the region, the Greek Government believes that further efforts should be deployed.

In that context, Greece considers that, along with the continuation of the proximity talks, direct talks with the other party could be initiated, under the auspices of the Secretary-General, at an opportune moment, with the aim of achieving a lasting and viable solution, as stated above.

27 May 1993

DOCUMENT S/25855/ADD.2

***Letter dated 3 June 1993 from the Secretary-General
to the President of the Security Council***

*[Original: English]
[3 June 1993]*

I have the honour to transmit to you, and through you to the members of the Security Council, a letter addressed to me by the President of the former Yugoslav Republic of Macedonia dated 29 May 1993.

This is further to my report pursuant to paragraph 3 of Security Council resolution 817 (1993) transmitted to you under cover of my letter of 26 May 1993 in document S/25855 above, and the first addendum thereto, which I transmitted to you under cover of my letter of 28 May 1993 in document S/25855/Add.1 above.

(Signed) Boutros BOUTROS-GHALI

TEXT OF THE LETTER

Skopje, 29 May 1993

Sir,

After the admission of my country into the United Nations, the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia at your request, and in accordance with Security Council resolution 817 (1993), began their good offices and negotiations with the representatives of the Republic of Macedonia and the Republic of Greece. Inspired by the permanent interests for

good-neighbourly relations with the Republic of Greece, for peace and stability in the region, we have confirmed to the Co-Chairmen our fullest participation and cooperation, so that the speedy settlement of the difference between my country and the Republic of Greece could be achieved.

I would like to express our belief that these negotiations have proved so far that it is conceivable that the request of the Security Council could be successfully met, to which end the Co-Chairmen, Mr. Cyrus Vance and Lord David Owen, have also rendered an important contribution. We are prepared to continue to cooperate with them in order to arrive at a speedy settlement of the remaining unsolved matters.

We have, however, specific objections in connection with certain suggestions of the Co-Chairmen, in particular regarding the following:

- the unacceptability of article 5 of the proposed Draft, which is directly in conflict with the Constitution of the Republic of Macedonia and may, if accepted, imply change of the Constitution with unforeseeable consequences and destabilization of the situation in my country and in our region;
- our reservations on the content of article 7, which could denote serious grounds for misunderstandings and disputes between the two countries due to its wide and imprecise drafting;
- the necessity to stipulate Macedonian and the Greek language (apart from the English language) as the languages of two parties that are to sign an international agreement.

We suggest that article 8 should read:

"1. The parties shall guarantee the rights and obligations of persons members of national, ethnic and similar groups in accordance with applicable international standards, in particular: (further on, besides already mentioned documents, article 8 should include: the United Nations Declaration on the Rights of Persons Belonging to National, or Ethnic, Religious and Linguistic Minorities and the Council of Europe's parliamentary Assembly Recommendation on the Rights of Minorities).

"2. (As proposed.)"

We would like to emphasize our firm conviction that our constitutional name "The Republic of Macedonia" does not imply territorial or other aspirations whatsoever. Therefore, other proposals are not necessary. To the contrary, the confirmation of this name shall represent significant contribution to the maintenance of peace and stability in the region, which is an essential requirement of resolution 817 (1993).

In a word, we find it indispensable that the existing process of negotiations continues in accordance with the above-mentioned resolution of the Security Council. However,

that does not preclude the prospects for bilateral talks and negotiations between the Republic of Macedonia and the Republic of Greece in correlation with the above-mentioned process. They, certainly, could not represent a substitute for the ongoing negotiations on the basis of the good offices of the Co-Chairmen, in hope that they could contribute to the strengthening of the mutual confidence and to the achievement of solutions acceptable for both parties.

I am fully convinced that the Security Council shall take into account the content of this letter when considering your report to the Security Council and shall decide that the ongoing process is to be accomplished in the specific and the shortest possible period.

Please accept, Sir, the assurances of my highest consideration.

(Signed) K. GLIGOROV
President of the
Republic of Macedonia

DOCUMENT S/25856*

**Letter dated 27 May 1993 from the representative of
Yugoslavia to the Secretary-General**

[Original: English]
[28 May 1993]

I have the honour to transmit herewith a letter from Mr. Radoje Kontić, Prime Minister of the Federal Republic of Yugoslavia, addressed to you.

I should be grateful if the text of the letters would be circulated as a document of the General Assembly and of the Security Council.

(Signed) Dragomir DJOKIĆ
Chargé d'affaires a.i. of the Permanent Mission
of Yugoslavia to the United Nations

**LETTER DATED 27 MAY 1993 FROM THE PRIME
MINISTER OF THE FEDERAL REPUBLIC OF
YUGOSLAVIA TO THE SECRETARY-GENERAL**

In accordance with Security Council resolution 815 (1993) inviting the Secretary-General to make proposals on the extension of the mandate of the United Nations Protection Force (UNPROFOR), I should like to inform you that the Federal Republic of Yugoslavia, as in the past, fully supports a renewed UNPROFOR mandate for the next 12 months.

The aforementioned resolution and other relevant documents of the Security Council specify that United Nations peace forces will remain in the protected areas until an overall political solution to the Yugoslav crisis is found, and that their mandate will be renewed in accordance with the situation on the ground, that is, in the light of the negotiations in the

framework of the International Conference on the Former Yugoslavia.

In the letter I sent you on 8 March 1993 [S/25382], I addressed a request to you to recommend to the Security Council definitely to extend UNPROFOR's mandate for the next 12 months. The Council accepted your recommendation and adopted a decision on the temporary extension of UNPROFOR's mandate until 30 June of this year.

The efforts being exerted at the international level and in particular by Yugoslavia, which is not a party to the conflict, are regrettably still not yielding adequate results. As is known, the Federal Republic of Yugoslavia has given its full support to the Vance plan for resolving the issue of the United Nations protected areas as a solid base for the peacemaking process and the final ending of the war. In this context, it is essential that solutions not be imposed but be negotiated between the Croatian authorities and representatives of the Republic of Serbian Krajina. The negotiating process has been resumed at Geneva and in New York and certain initial results are in sight.

The United Nations, as the most universal forum of the international community with its lofty objectives of humanity enshrined in its Charter, is duty-bound to do everything so as to preserve and promote peace and international security. In that respect it is precisely the presence of UNPROFOR in the past period that has made it possible to maintain a fragile peace and prevent the further escalation of the war.

However, Croatia continued its aggression on territories under UNPROFOR protection despite the strongest condemnation of the Security Council (resolutions 802 (1993) and 807 (1993)) whereby it is continuing seriously to erode the initiated peace efforts. By its aggression on the Serbian population in the protected areas Croatia is seeking to achieve by force what it started a year ago, not shrinking even from attacks on United Nations peace forces in the process.

Given this unstable and dangerous situation on the ground, which could easily turn into a new armed conflict with unforeseeable consequences, the United Nations peace forces continue to be crucially needed to protect the Serbian people in Krajina on one hand, and to enable the continuation of the negotiating process on the other. In that context the recent meeting of five foreign ministers in Washington on the crisis in the former Yugoslavia and the joint Action Programme adopted there are clear indications of their support to the Yugoslav position on the necessity of a new UNPROFOR mandate.

Since a new decision of the Security Council on the extension of their mandate is pending, on the basis of your report, we should like to ask you to bear in mind the fact that conditions have not yet been created to terminate the peace negotiations and that the presence of UNPROFOR in the protected areas is the single most important prerequisite for the creation of an environment in which the necessary political solution to the problem could be found. As always, you can count on the full cooperation and assistance of the Yugoslav Government in this.

* Circulated under the double symbol A/48/180-S/25856.

I avail myself of this opportunity to thank you once again most sincerely for your understanding of our difficult situation and express my full support to your efforts for the achievement of a just solution and lasting peace on the territories of the former Yugoslavia.

I hope that the decision of the Security Council on extending UNPROFOR's mandate for the coming period will be positive in this instance as well.

(Signed) Radoje KONTIĆ

DOCUMENT S/25858*

**Letter dated 28 May 1993 from the representative of
Indonesia to the Secretary-General**

[Original: English]
[28 May 1993]

I have the honour, as Chairman of the Coordinating Bureau of the Movement of Non-Aligned Countries, to enclose herewith the Declaration adopted by the Committee on Palestine of the Movement at ministerial level on 12 May 1993 at Bali, Indonesia.

I should be grateful if you would have the text of the present letter and the Declaration circulated as a document of the General Assembly and of the Security Council.

(Signed) Nugroho WISNUMURTI
Permanent Representative of Indonesia
to the United Nations

TEXT OF THE DECLARATION

1. The Committee on Palestine of the Movement of Non-Aligned Countries met at ministerial level on 12 May 1993 at Bali, Indonesia, under the chairmanship of the Foreign Minister of Indonesia, Mr. Ali Alatas. It was attended by Mr. A. S. M. Mustafizur Rahman, Minister for Foreign Affairs, Bangladesh; Mr. R. L. Bhatia, Minister of State for External Affairs, India; Mr. Farouq Qaddoumi, Minister for Foreign Affairs, Palestine; Mr. Nathan M. Shamuyarira, Minister for Foreign Affairs, Zimbabwe; Mr. Hocine Djoudi, Secretary-General, Ministry of Foreign Affairs, Algeria; Mr. Raul Taladrid, Vice-President of the State Committee for Economic Cooperation, Cuba; Mr. D. W. C. Matutu, Deputy Minister for Commerce, Trade and Industry, Zambia; and Mr. Alia Diene Drame, Economic Adviser to the Prime Minister, Senegal.

2. Mr. Farouq Qaddoumi briefed the meeting on the current situation in the occupied Palestinian territory, including Jerusalem (Al-Quds), and also on the latest developments in the ongoing peace process in the Middle East.

3. As a result of the persistence of Israel, the occupying Power, in its policies and practices in the occupied Palestinian

territory, including Jerusalem (Al-Quds), the situation continues to be of grave concern.

4. Israel, in continued violation of its legal obligations under the Fourth Geneva Convention of 1949,¹ has even escalated its brutal repression against the Palestinian people. Mass deportations tantamount to mass force transfer of Palestinians were condemned by the Security Council in its resolution 799 (1992). Israel persistently refuses to carry out the decision of the Security Council to ensure the safe, total and immediate return of the deportees to their homes. The members of the Committee are of the opinion that the Security Council should be called upon to perform its functions and carry out its duties and responsibilities, so as to ensure respect for the Council's decisions.

5. The members expressed grave concern and alarm over the imposition by Israel of collective punishment, long curfews and closure of the occupied Palestinian territory, which resulted in grave economic hardships. They recalled that the Committee meeting held under the chairmanship of President Soeharto, of Indonesia, on 4 September 1992 warned of grave consequences as a result of the destruction of the economic infrastructure of the Palestinians under occupation.

6. Of particular concern is the declared position of the Government of Israel and its persistence in implementing its policies and practices at Jerusalem (Al-Quds) by continuing to establish more settlements and imposing high taxation on Palestinian inhabitants of Jerusalem. The members of the Committee consider such acts as flagrant violations of Security Council resolutions 252 (1968), 465 (1980) and 478 (1980) and relevant resolutions of the General Assembly. They affirmed the commitment of Movement to the above resolutions and consider that all Israeli practices aiming at changing the status and demographic composition of Jerusalem (Al-Quds) and the illegal establishment of settlements at Jerusalem and in all the occupied Palestinian and other Arab territories are null and void.

7. The members recalled Security Council resolution 681 (1990) and reaffirmed their call for immediate international protection of the Palestinians under occupation against the violations by Israel of the provisions of the Fourth Geneva Convention and the principles and objectives of international humanitarian law. The Ministers were of the opinion that the protection of the human rights of Palestinians under the occupation should be ensured and addressed by the World Conference on Human Rights to be held at Vienna in June 1993.

8. On the question of the ongoing peace process, the members highly appreciated the flexibility and wisdom of the Palestinian leadership, namely the Palestine Liberation Organization, to contribute towards the achievement of a just and comprehensive peace. They were of the opinion that the procrastinating method of negotiation by Israel, and its failure to adhere to the basis of the ongoing process, namely, the implementation of Security Council resolutions 242 (1967) and 338 (1973), land for peace, and the guaranteeing of the national and legitimate political rights of the Palestinian

* Circulated under the double symbol A/47/957-S/25858.

people, constitute an obstacle and not a contribution to the ongoing process. The members were of the opinion that such a process could lead to peace only when it is based on Israel's withdrawal from all the occupied Palestinian territory, including Jerusalem and all other occupied Arab territories, and which will guarantee the exercise by the Palestinian people of its inalienable rights.

9. The members of the Committee called for a more active involvement of the United Nations and its agencies, particularly in economic development of the Arab occupied territories. They reiterated the continuing responsibility of the United Nations on the question of Palestine.

10. They agreed that the principles of the Charter of the United Nations and the relevant resolutions, particularly the resolutions of the Security Council, provide the correct and best basis for the achievement of a comprehensive, just and durable peace in the region.

11. The members of the Committee expressed their gratitude and appreciation to President Soeharto, as Chairman of the Movement of Non-Aligned Countries, for the decision he has taken to send a special envoy to the Arab countries taking part in the peace process at this crucial stage of negotiations. They also suggested to the Chairman that the same envoy could go to the two countries sponsoring the peace process.

12. The members of the Committee will continue their efforts within the Movement, the United Nations and all other regional and international forums to work for and attain the long-sought peace.

DOCUMENT S/25860*

Letter dated 25 May 1993 from the representative of Pakistan to the Secretary-General

*[Original: English]
[28 May 1993]*

I have the honour to transmit herewith a Declaration adopted by the member States of the Organization of the Islamic Conference at the United Nations on 24 May 1993, on the situation in Bosnia and Herzegovina.

I should appreciate it if you would kindly have the text of the present letter and the Declaration circulated as a document of the General Assembly and of the Security Council.

*(Signed) Jamsheed K. A. MARKER
Permanent Representative of Pakistan
to the United Nations*

TEXT OF THE DECLARATION

The position of the member States of the Organization of the Islamic Conference (OIC) on the aggression against the

Republic of Bosnia and Herzegovina has been comprehensively outlined in the resolution adopted by the 21st Islamic Conference of Ministers for Foreign Affairs, held at Karachi from 25 to 29 April 1993.

The Islamic countries are committed to the implementation of a comprehensive peace plan in Bosnia and Herzegovina based on the principles of the Charter of the United Nations and the accepted norms of international relations. Such a plan must halt the Serbian aggression, reverse it through withdrawals from all territories occupied by the use of force and "ethnic cleansing", and fully restore the territorial integrity, unity and sovereignty of the Republic of Bosnia and Herzegovina.

The Vance-Owen peace plan, sponsored by the United Nations and the European Community, did not fully conform to the above-mentioned principles for a just and durable peace settlement in Bosnia and Herzegovina. This plan was nevertheless accepted by the Government of Bosnia and Herzegovina in the interest of achieving peace and bringing an end to the suffering of the people of Bosnia and Herzegovina. Unfortunately, the Serbian aggressor, after considerable procrastination, refused to endorse the Vance-Owen plan.

The Security Council had adopted several resolutions which endorsed the principles for peace in Bosnia and Herzegovina. Yet, effective enforcement action against the Serbs was long delayed by their promises to consider acceptance of the Vance-Owen peace plan. It is now clear that these offers of cooperation by the Serbian party were only a ploy to delay effective international action to enforce the decisions of the Security Council. This delay has allowed the aggression to continue and the "ethnic cleansing" to proceed apace against the Bosnian Muslims.

The Organization of the Islamic Conference has consistently insisted on urgent enforcement action, including the lifting of the discriminatory arms embargo against Bosnia and Herzegovina and recognition of its right to individual and collective self-defence in accordance with Article 51 of the Charter of the United Nations. These demands for enforcement action, which are in full conformity with the principles of that Charter and the dictates of peace and justice, have not been accepted by certain members of the Security Council.

The member States of the Organization of the Islamic Conference are gravely concerned that the Serbian aggression and genocide against the people of the Republic of Bosnia and Herzegovina have continued, in particular the intensification of the Serbian offensive in eastern Bosnia, which has been accompanied by an escalation in Serbian military operations against Muslim towns in the north of Bosnia and Herzegovina. The Islamic countries are also anguished by the resumption of the military offensive by Croat forces in the central, southern and western parts of Bosnia and Herzegovina.

The hopes for peace of the people of Bosnia and Herzegovina and the world community were kindled by the forthright statements emanating from the new Administration in the United States of America. These statements had

* Circulated under the double symbol A/47/958-S/25860.

expressed a willingness to consider the lifting of the arms embargo against Bosnia and Herzegovina and to contemplate the use of force to secure enforcement of the resolutions of the Security Council.

The Joint Action Programme announced on 22 May 1993 in Washington has disappointed the member States of the Organization of the Islamic Conference. This programme was announced without consulting the Government of Bosnia and Herzegovina. The programme appears to accept the status quo imposed by the use of force and ethnic cleansing in Bosnia and Herzegovina. The programme falls severely short of the consensus decision on Bosnia and Herzegovina adopted by the London Conference and seems to give up hope of implementing the Vance-Owen peace plan. It would deny the right of self-defence to Bosnia and Herzegovina and defer any effective enforcement action.

The member States of the Organization of the Islamic Conference are convinced that the result of adopting a strategy which fails to reverse aggression in Bosnia and Herzegovina will have consequences which go far beyond the borders of this State. It will encourage further aggression not only in other parts of the Balkans but in many other regions of the world where small and vulnerable States coexist with larger and more powerful neighbours. It will also seriously erode the credibility of the Security Council and particularly of its permanent members. The OIC member States note with understanding the negative response of the President of the Republic of Bosnia and Herzegovina to the Joint Action Programme. In this context, the OIC member States welcomed the statement made by the Permanent Representative of Bosnia and Herzegovina indicating the shortcomings and deficiencies of the Joint Action Programme.

The OIC member States believe that those who have advocated against effective enforcement action in Bosnia and Herzegovina have not served the cause of peace and international stability. The right of a State to self-defence in accordance with Article 51 of the Charter of the United Nations cannot be abrogated even by a resolution of the Security Council. To refrain from action under Chapter VII of the Charter, because of a presumed risk to United Nations peacekeepers is tantamount to acceptance of Serbian blackmail. The OIC member States reiterate that they are fully prepared to contribute troops for United Nations peace-keeping operations in Bosnia and Herzegovina. The deployment of such contingents should be accepted by the United Nations so long as this has the agreement of the Government of Bosnia and Herzegovina. No troops should be deployed on the territory of Bosnia and Herzegovina without the express consent of the legitimate Government of that country.

The OIC member States appeal to the conscience of the world to seek justice in Bosnia and Herzegovina. The peoples of the world must press their Governments to live up to the principles of the Charter of the United Nations.

The OIC member States urge the world community and the Security Council to take forceful and decisive steps for peace

in Bosnia and Herzegovina. These actions must include the following:

1. Lifting of the arms embargo against Bosnia and Herzegovina;
2. Use of force against heavy weapons that are being employed against civilian population centres in Bosnia and Herzegovina;
3. Interdiction of arms supplies to the Serbs;
4. Revision of the mandate of the United Nations peace-keeping force in Bosnia and Herzegovina to enable it to take enforcement action;
5. Expansion of these forces by addition of troops from other countries, including Islamic countries;
6. Early establishment of the war crimes tribunal to deal with "ethnic cleansing" and to punish war crimes and crimes against humanity;
7. The safe return of the Bosnian refugees to their homes under the peace arrangements for Bosnia and Herzegovina;
8. A decision by the Security Council and its permanent members not to accept the unjust *fait accompli* in Bosnia and Herzegovina.

In case the Security Council remains unable to take effective enforcement action in Bosnia and Herzegovina, the member States of OIC will seek to reconvene urgently the General Assembly and secure its approval to enforce the decisions of the international community against the Serbian aggressor for the restoration of the sovereignty, territorial integrity and unity of Bosnia and Herzegovina, thus ensuring durable and comprehensive peace in Bosnia and Herzegovina.

The OIC member States express their solidarity with the people and Government of Bosnia and Herzegovina and pledge to offer them all possible assistance in exercising their right to individual and collective self-defence in accordance with Article 51 of the Charter of the United Nations.

DOCUMENT S/25862*

Letter dated 28 May 1993 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People to the Secretary-General

[Original: French]
[28 May 1993]

In my capacity as Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to draw your urgent attention to the serious situation in the occupied Palestinian territory, including Jerusalem, which is deteriorating steadily as a result of the prolonged closure of

* Circulated under the double symbol A/47/959-S/25862.

the territory and the isolation imposed by the occupying Power, and to the increasing number of casualties among the Palestinian civilian population, particularly children, resulting from the growing practice by Israeli troops of opening fire.

According to a report published recently by the Jerusalem-based Palestine Human Rights Information Center, Israel's prolonged and indefinite closure of the West Bank and Gaza Strip and the isolation of East Jerusalem since 30 March has been "the most damaging and disruptive policy of the occupying Power on the daily lives of the Palestinian people under occupation". This policy of collective punishment has, according to the same report, "restricted the movement of millions of Palestinians and deprived them of access to health-care facilities, food and medical supplies, employment and education and places of worship in Jerusalem".

On 21 April, the New York-based human rights organization Middle East Watch expressed deep concern at the hardships caused by the closure of the territories, which include the abrupt loss of income for some 100,000 Palestinians who were employed in Israel and East Jerusalem; the lack of access to hospitals, mosques, churches, schools, banks and so on; and the fragmentation of the occupied territories into four sectors that are inaccessible to one another without permits that are hard to obtain.

In addition to this harsh policy, the Israeli armed forces have recently increased the practice of opening fire and killing Palestinian civilians, including children. According to the Jerusalem-based Palestine Press Service, the number of Palestinians killed since the beginning of the month reached 25 on 19 May, including 6 children under 16 and one of 20 months who was killed in Jabalya refugee camp on 16 May. According to a report published in mid-May by B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, 35 Palestinian children under 16 have been killed by Israeli forces since the beginning of the year, including 13 children under the age of 13.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to express the greatest concern at these policies and actions of the Israeli authorities, which are in violation of Israel's obligations, as the occupying Power, under the Geneva Convention relative to the Treatment of Civilian Persons in Time of War, of 12 August 1949,¹ and numerous Security Council resolutions.

The Committee considers that, pending tangible progress in the peace process, it is of the greatest importance for the international community as a whole, and the High Contracting Parties to the Fourth Geneva Convention in particular, to take all necessary measures to ensure the safety and protection of Palestinian civilians, particularly children, living under Israeli occupation.

I should be grateful if you would have the text of this letter circulated as a document of the General Assembly and of the Security Council.

(Signed) Kéba Birane CISSE
Chairman of the Committee on the Exercise
of the Inalienable Rights of the Palestinian People

DOCUMENT S/25863

Report of the Secretary-General pursuant to paragraph 5 of Security Council resolution 778 (1992)

[Original: English]
[27 May 1993]

INTRODUCTION

1. The present report is submitted pursuant to paragraph 5 of Security Council resolution 778 (1992) adopted on 2 October 1992, by which the Council requested the Secretary-General to ascertain the whereabouts and amounts of petroleum and petroleum products and the proceeds of sale referred to in paragraphs 1 and 2 of resolution 778 (1992), drawing on the work already done under the auspices of the United Nations Compensation Commission, and to report the results to the Security Council as soon as possible.

2. By a note dated 14 October 1992, the Secretary-General brought resolution 778 (1992) to the attention of all Permanent Representatives and Permanent Observers to the United Nations.

3. On 26 October 1992, a note verbale was sent, requesting all States to provide, by 30 November 1992, all relevant information to the Secretary-General for the effective implementation of resolution 778 (1992). By early December 1992 only 33 States had replied, and a reminder was sent on 16 December 1992.

1. INFORMATION PROVIDED BY MEMBER STATES AND OBSERVERS

4. As of 30 April 1993 the following 62 countries had replied to the Secretary-General's request: Antigua and Barbuda [S/24906], Australia [S/24967], Austria [S/24888], Brazil [S/25737], Brunei Darussalam [S/24927], Botswana [S/25316], Bulgaria [S/24887], Canada [S/25245], Chad [S/25416], Chile [S/24944], China [S/24885], Colombia [S/24994, S/25223], Croatia [S/25060], Cuba [S/25729], Cyprus [S/25073], Denmark [S/24898], Ecuador [S/24903], Estonia [S/25153], Ethiopia [S/24957], Finland [S/24975], France [S/24886], Germany [S/24907], Greece [S/25275], Hungary [S/25173], India [S/24909], Iran (Islamic Republic of) [S/25035], Ireland [S/24890], Israel [S/25323], Italy [S/24911], Japan [S/24993], Kuwait [S/25750], Liechtenstein [S/24899], Luxembourg [S/25348], Malta [S/24896], Mexico [S/25104], Mongolia [S/24910], Morocco [S/24919], Myanmar [S/25119], Netherlands [S/24891], New Zealand [S/24945], Norway [S/24962], Oman [S/24947], Pakistan [S/24972, S/25292], Poland [S/25233], Portugal [S/24920], Republic of Korea [S/24904], Romania [S/25001], Russian Federation [S/24897], Rwanda [S/25083], San Marino [S/25383], Singapore [S/24889], Spain [S/24958], Sweden [S/25138], Switzerland [S/24901], Thailand [S/24908], Trinidad and Tobago [S/25059], Tunisia [S/24998], Ukraine [S/24905], United Arab Emirates [S/25208], United Kingdom of Great Britain and Northern Ireland [S/24995], United States of America [S/24902] and Venezuela [S/25209].

5. The Government of Greece indicated in its note verbale of 3 February 1993 [S/25275] that a number of banks in Greece held a total of \$276,000 representing the proceeds of the sale of oil products.

6. In its reply of 15 December 1992 [S/24993], the Government of Japan indicated that the Bank of Tokyo was holding assets totalling \$48.88 million. The Government of Japan stated, however, that all of the funds held were subject to, or had to satisfy, the rights of a third party and that consequently no funds could be transferred to the escrow account.

7. The Government of Tunisia, in its note verbale dated 18 December 1992 [S/24998], indicated holdings of Iraqi funds totalling \$15.8 million from oil transactions and stated that the funds had already been used in partial settlements of Iraq's debts to Tunisia.

8. The Government of the United States of America, in its note verbale of 30 November 1992 [S/24902], indicated that it held a total of \$637.4 million in Iraqi assets subject to the provisions of resolution 778 (1992). It also stated that it was prepared to transfer \$200 million of this total to the escrow account, as long as the amount transferred at no time exceeded 50 per cent of the total funds contributed or transferred to the escrow account.

9. None of the remaining 58 States which responded to the Secretary-General's request for information indicated that they had any petroleum or petroleum products or frozen assets subject to the provisions of resolution 778 (1992).

II. EXPENDITURE AND ESTIMATED COSTS OF UNITED NATIONS ACTIVITIES

10. Paragraph 5 (b) of resolution 778 (1992) requested the Secretary-General to ascertain the costs of United Nations activities concerning the elimination of weapons of mass destruction, the provision of humanitarian relief in Iraq, and the other United Nations operations specified in paragraphs 2 and 3 of resolution 706 (1991).

11. The table below provides the estimated expenditures for the various activities related to the implementation of Security Council resolutions 687 (1991) and 706 (1991) from their inception to 31 December 1993. Also shown are the resources made available from the escrow account or from direct contributions as well as the estimated amount of funding still needed in 1993 for each of these activities. The latter estimates are based on the most current information available and are subject to change as operational requirements and plans are revised or updated.

Estimated expenditures and resources made available, and additional funding needed in 1993, for activities authorized under the provisions of Security Council resolutions 687 (1991) and 706 (1991)

(Millions of United States dollars)

	Estimated expenditure requirements from inception to December 1993 ^a	Resources made available from escrow account and contributions	Estimated additional funding necessary
United Nations Compensation Commission	22.6	21.0	1.6
United Nations Special Commission	72.2	37.9	34.3
Return of Kuwaiti property	4.2	4.0	0.2
United Nations Iraq-Kuwait Boundary Demarcation Commission	6.7	4.3	2.4
Sale of Iraqi petroleum and miscellaneous	<u>0.6</u>	<u>0.0</u>	<u>0.6</u>
Total	<u>106.3</u>	<u>67.2</u>	<u>39.1</u>

^a Includes cost estimates for 1993 totalling \$72.5 million.

12. Total estimated costs of the United Nations Inter-agency Humanitarian Programme in Iraq, which are summarized in the annex, are projected to be \$489.2 million for the period 1 April 1993 to 31 March 1994. These estimates are based on the sum of specific project proposals that represent only the most urgent requirements. They do not constitute an exhaustive list of projects to be implemented as part of this programme, and other project proposals may be identified and examined in the future.

III. ESTABLISHMENT OF THE ESCROW ACCOUNT AND RECEIPTS TO DATE

13. A competitive bidding exercise was conducted to select a commercial bank in which to establish the United Nations escrow account. Proposals were sought only from the top credit-rated banks in the world which were also capable of providing for the operational and information needs of the United Nations. Based on its high credit ratings, lack of involvement in South Africa and lowest investment management fees for deposit amounts up to \$100 million, Morgan Guaranty Trust Co. of New York was selected. The escrow account was opened at Morgan in December 1992.

14. As of 30 April 1993 a total of \$101.5 million had been received into the escrow account. The total includes a \$30 million voluntary contribution from Saudi Arabia, a \$20 million voluntary contribution from Kuwait, a \$50 million transfer of frozen assets from the United States of America and a \$1.5 million voluntary contribution from the United Kingdom of Great Britain and Northern Ireland.

15. A bank account for the subaccount of the escrow account referred to in paragraph 11 of resolution 778 (1992) has also been opened at Morgan Guaranty Trust Co., but this account has not yet received any funds.

IV. UTILIZATION OF THE ESCROW ACCOUNT FUNDS

16. As of 30 April 1993 the entire total of \$101.5 million received into the escrow account had been designated for the purposes specified in Security Council resolutions 687 (1991) and 706 (1991), taking into account preferences expressed by States transferring or contributing funds, as follows:

(a) \$33 million had been designated for the United Nations Special Commission authorized under section C of resolution 687 (1991). As of 30 April 1993, a total of \$31.5 million had been expended by the Special Commission;

(b) \$21 million had been designated for, and the full amount transferred to, the United Nations Compensation Commission. As of 30 April 1993, \$6.6 million of this total had been expended;

(c) \$4 million had been designated for costs incurred by the United Nations in facilitating the return of Kuwaiti property seized by Iraq. As of 30 April 1993, \$2.7 million of this total had been expended;

(d) \$2 million had been designated towards Iraq's one half share of the costs of the United Nations Boundary Demarcation Commission. As of 30 April 1993, a total of \$3.7 million had been expended by the Boundary Demarcation Commission;

(e) \$41.5 million had been designated for various humanitarian activities in Iraq. \$40 million of this total was for activities in Iraq prior to 31 March 1993; as of 30 April 1993, \$38 million of this \$40 million total had been expended, primarily by transfer to other executing United Nations agencies. The remaining \$1.5 million had been designated for activities commencing after 1 April 1993 and had been transferred to the United Nations Children's Fund.

V. OBSERVATIONS AND CONCLUSIONS

17. The projected cumulative costs through the end of 1993 for the United Nations Special Commission's activities and weapons destruction programme alone totals over \$72 million. About \$38 million of these costs will be covered from funds already designated in the escrow account and from other contributions, but funding will be needed for at least an additional \$34 million over the coming months. A major contract with the International Atomic Energy Agency (IAEA) for approximately \$24 million will be ready for signature within the next few days, but there will not be adequate funds to implement the contract unless additional cash is available.

18. The United Nations Compensation Commission has received adequate funds to cover most of its currently projected operational and administrative costs for 1993. No funds are currently available from the escrow account, however, to pay any significant amount of actual claims to injured parties.

19. Cost estimates of the ongoing United Nations Inter-agency Humanitarian Programme in Iraq have not been definitively established, but the projected total for specific project proposals submitted to date by various United Nations agencies and programmes for the period 1 April 1993 to 31 March 1994 comes to \$489 million. No further funds are available from the escrow account at the present time for these activities.

20. In the circumstances, additional transfers of frozen funds from Member States that hold such assets and/or significant new voluntary contributions to the escrow account are urgently needed to continue the activities mandated by the Security Council.

ANNEX

United Nations Inter-agency Humanitarian Programme in Iraq

Listing of projects proposed to date*

(1 April 1993-31 March 1994)

(United States dollars)

Activity/projects		Agency/ programme	Total funds required for 1 April 1993- 31 March 1994
<i>Sector 1</i>			
FOOD ASSISTANCE AND NUTRITION			
Project 1 -	Food assistance to seriously affected groups	WFP	114 295 650
Project 2 -	Food-for-work	WFP	3 700 000
Project 3 -	Supplementary feeding for school children	WFP	20 700 000
Project 4 -	Nutrition	UNICEF	<u>3 000 000</u>
Total			<u>141 695 650</u>
<i>Sector 2</i>			
AGRICULTURAL ASSISTANCE			
Project 1 -	Crop protection against sunnpest infestation	FAO	9 350 000
Project 2 -	Grain-seed exchange	FAO	4 000 000
Project 3 -	Provision of certified wheat seed and fertilizer	FAO	30 950 000
Project 4 -	Agricultural machinery and portable pumps	FAO	42 000 000
Project 5 -	Improvement of vegetable production in southern governorates	FAO	3 690 000
Project 6 -	Provision of vegetable and pulse seeds	FAO	8 700 000
Project 7 -	Provision of poultry	FAO	4 250 000
Project 8 -	Provision of veterinary inputs and feed concentrates	FAO	15 200 000
Project 9 -	Provision of pesticides	FAO	3 445 000
Project 10 -	Provision of apiaries	FAO	3 300 000
Project 11 -	Rehabilitation of palm dates production	FAO	310 000

* The projects listed in the table are intended to address critical needs identified by the Department of Humanitarian Affairs and United Nations agencies/programmes. The list is not exhaustive, and additional projects will be prepared as required and as funds become available.

Project 12 -	Improvement of sugar cane production	FAO	2 175 000
Project 13 -	Improvement of irrigation canals	FAO	<u>2 343 000</u>
Total			<u>129 713 000</u>
<i>Sector 3</i>			
HEALTH			
Basic health			
Project 1 -	Epidemiological surveillance	WHO	3 000 000
Project 2 -	Provision of life-saving drugs and supplies	WHO	23 000 000
Project 3 -	Vector control	WHO	8 000 000
Project 4 -	Monitoring of inputs	WHO	750 000
Project 5 -	Evaluation and training activities	WHO	2 000 000
Project 6 -	Basic health	UNICEF	4 000 000
Project 7 -	Immunization	UNICEF	3 000 000
Project 8 -	Control of diarrhoeal diseases	UNICEF	4 000 000
Project 9 -	Control of acute respiratory infections	UNICEF	3 000 000
Project 10 -	Childhood disability	UNICEF	1 000 000
Water supply and sanitation			
Project 1 -	Water and waste monitoring	WHO	3 250 000
Project 2 -	Water supply and sanitation activities	UNICEF	<u>15 000 000</u>
Total			<u>70 000 000</u>
<i>Sector 4</i>			
COMMUNITY REHABILITATION AND ASSISTANCE			
Education			
Project 1 -	Provision of educational assistance	UNESCO/ UNICEF	10 400 000
Shelter			
Project 1 -	Shelter	DHA/UNDP-OPS	19 100 000
Road repair and maintenance			
Project 1 -	Road repair and maintenance	DHA-IRCU	1 500 000
Mines			
Project 4 -	Mines-related activities	DHA/UNDP-OPS	1 250 000
Energy provision			

Project 1 -	Fuel provision	UNICEF	45 000 000
Project 2 -	Electrical power transmission and generation	DHA/UNDP-OPS	1 500 000
Project 3 -	Assessment of electrical power needs	DHA/UNDP-OPS	165 000
Rural women			
Project 1 -	Income generation for rural women	UNDP	1 000 000
Rural households			
Project 1 -	Rural household food security	UNICEF	1 733 785
Social welfare institutions			
Project 1 -	Support for social welfare institutions	UNDP	1 125 000
Municipal services			
Project 1 -	Municipal sanitation	DHA/UNOPS	7 473 000
Refugees			
Project 1 -	Refugees and returnees	UNHCR	0
Total			<u>90 246 785</u>
Sector 5			
PROGRAMME SUPPORT			
Project 1 -	Programme coordination	DHA-SUI/IRCU	5 623 500
Project 2 -	United Nations Guards	DHA-SUI/UNFOD	50 665 550
Project 3 -	United Nations Volunteers	UNV	<u>1 280 000</u>
Total			<u>57 569 050</u>
Grand total		<u>489 224 485</u>	

DOCUMENT S/25865

Letter dated 28 May 1993 from the representative of Kuwait to the President of the Security Council

[Original: Arabic]
[29 May 1993]

I am pleased to transmit to you herewith the text of the statement that the delegation of my country had intended to deliver during the deliberations of the Security Council at its 3224th meeting on the situation between Iraq and Kuwait.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative of Kuwait
to the United Nations

TEXT OF THE STATEMENT

By its adoption of resolution 833 (1993), the Security Council has completed a historic exercise in the creation and establishment of peace in the world and the defence of the principles of the Charter of the United Nations and international law, as well as the rights of both small and large States through the practical application of the concept of collective security.

It was the Security Council that initiated the rejection of the Iraqi aggression against and occupation of Kuwait through resolution 660 (1990), and it was the Security Council that subsequently launched the battle for the liberation of Kuwait through resolution 678 (1990). Thereafter, the foundations of the cease-fire following the liberation of Kuwait were laid by resolution 687 (1991). It is through the same Security Council that the boundary dispute between Iraq and Kuwait today comes to an end. Ever since it signed the Agreed Minutes

between the State of Kuwait and the Republic of Iraq regarding the Restoration of Friendly Relations, Recognition and Related Matters in October 1963²³. Kuwait has constantly striven to demarcate its boundary with Iraq. To that end, it held numerous meetings with the Iraqi side, and specialized technical and political delegations visited Baghdad, but without any results, since Iraq rejected any demarcation proposed under that binding agreement. The Iraqi aggression against and occupation of Kuwait on 2 August 1990 revealed the true nature of the Iraqi dispute with Kuwait; this dispute has never been due to a difference over the boundary, but rather to ambitions regarding the very existence of Kuwait.

Security Council resolution 687 (1991), in three of its operative paragraphs, laid the legal and political foundations and provided an international guarantee for the demarcation of the boundary in accordance with the Agreed Minutes of 1963 between the two States. The Security Council thus felt that the completion of the demarcation would eliminate the likelihood of a renewal of armed conflict in the region.

As you know, the Secretary-General accordingly established the United Nations Iraq-Kuwait Boundary Demarcation Commission, which carried out a purely technical task using outstanding expertise and advanced technical means. The result of the work of the Commission has been to demarcate, for the first time, the precise coordinates of the boundary previously agreed on. The Commission has not in any way reallocated territory between the two countries, but has undertaken a task necessitated by the particular circumstances arising from the Iraqi aggression against Kuwait. The results of the demarcation constitute a unique international success, in which, in the words of the Secretary-General, the law, technology, diplomacy and security have been associated.

There is no doubt that the decisions of the Commission are final, as is the report of the Commission. The boundary demarcated by the Commission is binding and guaranteed by the Security Council, and both sides, Kuwait and Iraq, are bound thereby. We should like to stress that Iraq is bound thereby, as demonstrated by:

1. Iraq's unrestricted and unconditional acceptance of resolution 687 (1991), the expression of which passed from the Iraqi executive authority to the legislative authority as represented by the Iraqi National Assembly;

2. Iraq's unrestricted and unconditional agreement to the report of the Secretary-General of 2 May 1991 on the establishment of the United Nations Iraq-Kuwait Boundary Demarcation Commission by its appointment of a representative on the Commission;

3. Iraq's full participation in the drafting of the Commission's rules of procedure regarding its proceedings, its methods of taking decisions and the issuance of its reports;

4. Iraq's participation in the voting on the decisions concerning the land boundary.

We are not surprised by Iraq's boycott of the other meetings of the Commission or by its attack on the results of the Commission's work because we know that, during the first five sessions which it attended over a period of a year and a half, Iraq did not respond to any request by members of the Commission and provided no materials, maps or documents expressing the Iraqi point of view of its boundary with Kuwait. That is not surprising, because Iraq does not want a demarcated boundary; it wants the whole of Kuwait.

From the beginning of the demarcation of the sea boundary, Iraq boycotted the meetings of the Commission. Rather than participating seriously and objectively in furthering the permanent interests of all the parties, the authorities of the Iraqi regime began to repeat claims that Iraq was being strangled and that it had been deprived of an outlet to the sea. The truth of the matter is quite otherwise: in addition to Iraq's 70-kilometre-long sea front, the boundary demarcation has guaranteed freedom of navigation to both States from Khawr al-Zuhayr through Khawr Shityanah up to Khawr Abdullah to and from their territorial waters and territories along the length of the boundary, in accordance with the provisions of the United Nations Convention on the Law of the Sea of 1982. This freedom of navigation is a right which may not be violated by either of the States. We hereby openly declare that we shall abide fully by this decision and each of its paragraphs as an inseparable part of the decisions of the Commission as a whole.

The vote by the Security Council in favour of the draft resolution is a guarantee for security and stability in this region; it is being adopted under Chapter VII of the Charter. It endorses the decisions of the United Nations Iraq-Kuwait Boundary Demarcation Commission, reaffirms their final character and affirms that they should be guaranteed by the Security Council by all possible means, in accordance with the Charter.

The security, integrity and independence of the State of Kuwait are an inseparable part of international peace and security. What has been accomplished by the United Nations today is not only a victory for Kuwait; it is a victory for the United Nations, for international legality and for all that is right and just in our world.

By its adoption of this resolution, the Security Council has given its blessing to the closing of a file which has long been a cause of instability and aggression in our region. We therefore express our hope that the other files arising from the Iraqi aggression may be closed, and we give warning that delays by the regime in implementing all the other obligations contained in the resolutions of the Council are in themselves a time bomb which must be watched carefully and defused.

Kuwait expresses its appreciation to each member of the Security Council and to all its friends for their vote and their support for the foundations of peace. We also wish to place on record our appreciation for the intensive efforts exerted by the United Nations Iraq-Kuwait Boundary Demarcation Commission, which have resulted in this historic achievement. We should furthermore like to commend the efforts being

made by the Secretary-General to make peace in our region and in the world, as well as his support for this Commission, whose example he has asked other United Nations Commissions to follow by completing their work speedily and successfully.

DOCUMENT S/25866

**Letter dated 26 May 1993 from the representative of
Albania to the President of the Security Council**

*[Original: English]
[29 May 1993]*

Upon instructions from my Government, I have the honour urgently to transmit to you the following.

Albania is deeply concerned about the extremely dangerous situation in Kosova. Recently the situation there has been dramatically aggravated by the increased oppression on the Albanian people of Kosova and the grave military movements in that region.

On 22 May, at 2300 hours, a grave incident happened at Glogovc, a town of Kosova. During the night of 22 May, for 20 minutes there were shootings with various kinds of weapons. Two Serbian policemen were killed and five wounded from the attack, whose sources remain unknown. Immediately after the shootings there was a strong reaction of the police forces against the Albanians inhabiting the area. About 100 Albanians were arrested and many were severely beaten and injured during the expedition carried out immediately by great police forces. Military units soon came to enforce the emergency situation in the area, including the town of Glogovc.

This armed incident, like similar incidents which have happened in the past, is part of the strategy of the Serbian occupation regime in Kosova aiming at compelling the Albanians there to give up their peaceful resistance and forcing them to take up their arms, thus giving the pretext to the Serbian regime to start the open conflict and massacres in Kosova.

Since 1989, when the emergency situation was applied to Kosova, a full military occupation has been existing there for more than four years. During this period the situation has been the most difficult one the Albanian people of Kosova have ever lived in. During this period, severe beating and maltreating, killing and imprisonment, torture and persecution of Albanians were carried out by Serbian military and police forces. Serbian authorities have massively dismissed Albanians and carried out dramatic discrimination against Albanians in education and health care and public services. The Serbian authorities have for years been carrying out ethnic cleansing against Albanians in Kosova. They have taken the appropriate legislative and administrative measures in order to ensure that ethnic cleansing against Albanians of Kosova should go on in

hidden ways. The results of this hidden and silent process of ethnic cleansing are tremendous: more than 300,000 Albanians have been forced to leave the land of their ancestors; a large number of Serbian colonists, coming from various territories of the former Yugoslavia, have settled in the lands of Albanians in Kosova, and these Serbian colonists are offered favourable conditions and facilities aiming at increasing the settlements of the Serbian colonists in that area. And as if all that was not enough, the Serbs have recently increased their military presence and the demonstration of force in Kosova, thus openly declaring their aim to start massive massacres against the Albanians of that region.

Intensified military movements are going on in Kosova at present, particularly in large cities and near the border with Albania. Every day, there are reports of deployment there of new Serbian military units and heavy weaponry, coming from several parts of Serbia. There has been increased activity of Serbian armed civilians and paramilitary units. Every day they provoke the Albanians, thus enhancing tensions in this region. Armed expeditions have been carried out recently by Serbian police forces throughout Kosova under the pretext of arms-searching, which has been accompanied with massive maltreatment and severe beating of Albanians. Bearing in mind this situation, it is difficult to realize the limits of the admirable patience shown by the Albanian people of Kosova until up to now.

Under these circumstances, when the tense situation in Kosova is being extremely aggravated by the increased Serbian military presence and the daily grave incidents like the recent one at Glogovc, Albania expresses its legitimate concern about the spill-over of the bloody conflict going on in Bosnia and Herzegovina to Kosova. It is obvious that a conflict in Kosova would have terrible consequences for the Albanian people of Kosova, and it would be very difficult to keep it under control. The serious threat to peace and security in the Balkans and Europe is evident.

Therefore, Albania urges the Security Council, as the only international body bearing primary responsibility for the maintenance of international peace and security, to take the necessary measures to prevent the conflict in Kosova. It calls on the Security Council, acting under the Charter of the United Nations, specifically under Article 34, immediately to initiate an investigation of the explosive situation in Kosova by sending a fact-finding mission there. The Government of Albania once again requests that the Security Council, in compliance with Chapter VII of the Charter, should consider the deployment, as soon as possible, of United Nations military troops in Kosova to prevent the outbreak of war in that region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Thanas SHKURTI
Permanent Representative of Albania
to the United Nations*

DOCUMENT S/25868

**Letter dated 27 May 1993 from the representative of
Yugoslavia to the President of the Security Council**

*[Original: English]
[31 May 1993]*

I am writing to you in connection with the letter dated 14 May 1993 from the Permanent Representative of Pakistan to the United Nations addressed to you [S/25782] and the attached memorandum containing the views and concerns of the members of the Security Council that are members of the Movement of Non-Aligned Countries (Cape Verde, Djibouti, Morocco, Pakistan and Venezuela) with regard to the situation in Bosnia and Herzegovina.

It is deeply regrettable that that memorandum advances an erroneous appraisal of the origins of the conflict in Bosnia and Herzegovina and proposals for its resolution, which cannot unfortunately contribute to the current efforts of the international community to reinstate a just and lasting peace for its peoples. It is particularly unfortunate that such a simplistic approach is put forward by the members of the Movement of Non-Aligned Countries which, inspired by lofty ideals, has always been able to grasp the essence and underlying causes of conflicts by taking into account all their aspects.

The Federal Republic of Yugoslavia shares the impatience and concern of the international community and the responsibility of the members of the Security Council in their endeavours to bring about an end to the conflict in Bosnia and Herzegovina and the region as a whole. The cessation of the hostilities and the laying down of the groundwork for a comprehensive and just solution cannot be achieved however with resort to a one-sided and biased approach.

Notwithstanding the rationale of some of the proposals put forward in the memorandum, particularly those pertaining to the need to develop a comprehensive peace-keeping and post-conflict peace-building scenario, the Federal Republic of Yugoslavia cannot however accept some of the premises of the memorandum, whose main aim is to discredit the Serbian people as a whole and to condemn the Federal Republic of Yugoslavia and the Republic of Serbia for alleged aggression.

The views contained in paragraph 13 of the memorandum, that "Serbia had already embarked on a policy to carve out a Greater Serbia from the territory of former Yugoslavia" is a malicious concoction devoid of any factual evidence. In a defamatory attempt to blame only one side, i.e. the Serbian population, for the tragic conflict in Bosnia and Herzegovina, the authors of the memorandum are ignoring the basic truth that is increasingly being recognized in the international community as a whole that Bosnia and Herzegovina is engulfed in a civil war between the Muslim, Serb and Croat peoples. It is particularly absurd that the Bosnian Serbs are being accused of committing aggression in their own land.

The statement "that this is not a civil war but rather is an international conflict in which a State enjoying international recognition has been subjected to external aggression" is contrary to the evaluations of the Co-Chairmen of the International Conference on the Former Yugoslavia as well as leading statesmen who have acknowledged that a civil war is being waged in Bosnia and Herzegovina.

For its part, the Federal Republic of Yugoslavia and its constituent republics, Serbia and Montenegro, are vitally interested and fully committed to bringing an end to war in Bosnia and Herzegovina. Yugoslavia has endeavoured to play a constructive role throughout the peace talks on the former Yugoslavia and Bosnia and Herzegovina. It is well-known that the leadership of the Federal Republic of Yugoslavia and the Republics of Serbia and Montenegro have played a very important role in facilitating acceptance of significant elements of the peace plan by the Bosnian Serbs. As has been widely publicized, the representatives of the Yugoslav and Serbian and Montenegrin parliaments, in their declaration of 14 May 1993, called upon the Bosnian Serbs to accept the Vance-Owen plan, since it provides mechanisms for the protection and safety of all Serbs.

Despite the Co-Chairmen's warnings that the lifting of the arms embargo could only further aggravate the situation on the ground in Bosnia and Herzegovina and lead to the escalation of the conflict, it is indeed regrettable that the authors of the memorandum are still considering this as a viable option. In the light of the recent inflammation of hostilities between the Croatian and Muslim sides, it is mind-boggling that anyone can opt for a lifting of the arms embargo and bringing any more weapons to the region.

Finally, it is surprising that, in assessing the situation, the authors of the memorandum failed adequately to address the involvement of Croatia, thus minimizing the participation of Croatian troops in the armed conflict and occupation of parts of Bosnia and Herzegovina adjacent to Croatia.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Dragomir DJOKIC
Chargé d'affaires a.i. of the Permanent Mission
of Yugoslavia to the United Nations*

DOCUMENT S/25869

**Letter dated 27 May 1993 from the representative of
Yugoslavia to the President of the Security Council**

*[Original: English]
[31 May 1993]*

I have the honour to transmit herewith the information on the effects of sanctions on the Federal Republic of Yugoslavia in the fields officially exempted from the sanctions.

I should be grateful if this letter and its annex were circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
*Chargé d'affaires a.i. of the
Permanent Mission of Yugoslavia
to the United Nations*

ANNEX

Information on the effects of sanctions in the fields officially exempted from the sanctions

In the context of resolving the crisis in the territory of the former Socialist Federal Republic of Yugoslavia, the Security Council has adopted a number of resolutions, including resolutions 757 (1992) and 787 (1992), by which it imposed sanctions against the Federal Republic of Yugoslavia.

Resolution 757 (1992) of 30 May 1992 prohibits any trade between the States Members of the United Nations and the Federal Republic of Yugoslavia, use of Yugoslav vessels and aircraft, business activities with the Federal Republic of Yugoslavia and all financial transactions with persons and entities in the Federal Republic of Yugoslavia and freezes all Yugoslav assets in foreign banks. Furthermore, Yugoslav aircraft are denied overflight and landing permits, the level of the staff in the Yugoslav diplomatic and consular missions has been reduced, Yugoslav representatives are prohibited from participating in sporting events abroad and scientific, technical and cultural cooperation has been suspended. Only the import to the Federal Republic of Yugoslavia of foodstuffs, medicine and basic humanitarian aid is exempted from the sanctions.

Resolution 787 (1992) of 16 November 1992 tightened further the sanctions imposed by resolution 757 (1992). Transshipment of important commodities and products (crude oil and petroleum derivatives, coal, energy-related equipment, iron, steel and other metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types) through the territory of the Federal Republic of Yugoslavia has been prohibited to ensure that they are not diverted to the Federal Republic of Yugoslavia. However, a possibility is provided that the transshipment of the above commodities and products can be realized on a case-by-case basis only when indispensable with specific authorization of the Committee established by resolution 724 (1991). At the same time, the control of vessels in the Yugoslav ports and on the Danube has been increased.

The Sanctions Committee granting approval for exports of products to the Federal Republic of Yugoslavia which are exempted from the sanctions comprises Security Council member States in New York.

In the meantime, the Security Council adopted its resolution 820 (1993) tightening further sanctions unprecedented in the history of the United Nations.

Effects

In the conditions of the already grave economic crisis that affected our country, the imposition of the sanctions has aggravated even further the situation and threatened the economic, health and social situation and the lives of an increasing number of people. Resolution 757 (1992), by imposing the economic blockade, violates fundamental human rights and freedoms by creating such living

conditions for the population of the Federal Republic of Yugoslavia in which it is frequently impossible to meet basic human needs. For example, by suspending all financial and monetary transactions with the Federal Republic of Yugoslavia, the payment of foreign retirement benefits to their beneficiaries in the territory of the Federal Republic of Yugoslavia has been suspended in direct contravention of article 9 of the International Covenant on Economic, Social and Cultural Rights,¹⁹ which guarantees the right of every one to social benefits and insurance.

Despite two resolutions of the World Health Assembly providing that health and health services can never be subject to sanctions (resolutions WHA 41.31 and WHA 42.24), Yugoslavia has been facing a dramatic situation in the last few months owing to the failure to respect these two resolutions. Lack of medicine and spare parts for medical equipment, coupled with the general decline in the living standard, has impaired the health of the population. Health services in the Federal Republic of Yugoslavia are much dependent (95 per cent) on the import of medicine, ingredients necessary for their production, medical and bandage supplies, equipment and spare parts and all other products for medical purposes. Owing to the sanctions and the unnecessarily long procedure for granting import approvals, the production of medicine in the Federal Republic of Yugoslavia has almost come to a halt. Presently, there is a shortage of over 50 per cent of drugs necessary for primary health protection: antibiotics, cardiotonics, diuretics, antihypertension preparations, medicine in ampoules, anaesthetics, blood transfusion equipment, etc.

The life of about 5,000 patients dependent on dialysis is in danger since the available dialysis reserves will be sufficient for less than one month. Several thousand people having malignant diseases are facing the same destiny. The cases of tuberculosis are increasing, particularly among the refugees coming from the former Bosnia-Herzegovina who are collectively accommodated in the Federal Republic of Yugoslavia. At Yugoslav psychiatric clinics (with about 3,000 patients) the mortality rate is dramatically increasing since there are no tranquilizers and the obsolete method of tying people to beds and administering electric shocks are used. Diagnostic facilities for daily application and medical equipment that are being imported and which can no longer be maintained regularly by their foreign suppliers, such as nuclear magnetic resonance, computerized tomography, laser equipment, etc. constitute a particular problem. The lives of patients on long waiting lists for surgeries since the summer of 1992 are also endangered.

A particular problem lies in the procedure for approving the exports of medicine and spare parts for medical equipment since some countries have created insurmountable obstacles, which is in flagrant violation of the principles of humanity. Let us take the example of the approval for the import of a modern German-made scanner for cancer detection in children, which has a small number of parts made in the United States of America. The United States Government insisted in the Committee established by resolution 724 (1991) that separate applications for approval should be submitted for each part, although the value of some of them is only several hundred dollars, which extends the procedure to several months, although the equipment is intended for the treatment of children rather than for war.

According to statements by officials of the Food and Agriculture Organization of the United Nations, 15 per cent of children in the Federal Republic of Yugoslavia are undernourished, while the diet of one third of the households is poor in vitamins.

Infections are spreading in our hospitals and reserves of drinking-water purifiers (sodium chloride) in towns are almost exhausted. Resulting epidemics could devastate whole settlements and towns.

An increased mortality rate is evident and, although all statistical data are not yet available, a characteristic example is the Emergency Centre of the University Clinic Centre at Belgrade where, in 1991, 238 patients with polytraumas were treated with the mortality rate of 26.9 per cent, and, in 1992, 223 patients with the mortality rate of 46.06 per cent, owing to the lack of emergency diagnosis and treatment facilities.

It is well known that, besides civilians, a large number of the wounded from the territory of the former Socialist Federal Republic of Yugoslavia are being treated also in military medical institutions of the Federal Republic of Yugoslavia which, though under a great burden, have been lacking medical equipment and medicine as a result of the sanctions prohibiting their import. As a consequence, the daily loss is over \$100,000, i.e. over \$30 million for 10 months.

In the field of agriculture, although food production is exempted from sanctions, the import of 37.5 million cubic metres of natural gas necessary for the production of fertilizers has not been approved, which will considerably and adversely affect planting, and wheat production will be reduced by about 500,000 tons, causing a loss of \$75 to \$80 million and a dangerous shortage of food for the population.

Although humanitarian aid is exempted from the sanctions, their imposition very much aggravates, complicates and slows down its normal flow. The Yugoslav Red Cross is a witness to a long and complex procedure to obtain approval from the Committee established by resolution 724 (1991). Delivery of the largest part of humanitarian aid through the International Federation of Red Cross and Red Crescent Societies creates great problems to donor societies, since they should obtain the necessary approvals themselves, while delivery of aid to other parts of former Yugoslavia presents almost no difficulty with respect to the procedure and delivery terms. Humanitarian relief deliveries have been frequently held back at border crossings, particularly with Hungary, so that sometimes the aid is being reduced and delayed; frequently, it never reaches its destination or is sent back to its sender, although it is obvious that humanitarian aid is in question.

The Serbian Orthodox Church has been facing a similar situation. It has been prevented from importing items necessary for performing church services (candles, incense) which, practically, brings into question the normal church activity in the areas inhabited by Orthodox Serbs. The suspension of air and maritime traffic resulted in the cessation of a rapid and effective flow of humanitarian aid organized by the Orthodox churches in European and overseas countries. Humanitarian aid, drugs, foodstuffs, clothes, etc. sent through the Board of the Serbian Orthodox Church to the people and refugees affected by war are invaluable. However, its efficiency is threatened because it is impossible for it to reach the most affected areas for lack of fuel.

Because of the blockade at border crossings, the humanitarian aid sent to the Church is frequently and without any reason returned to the sender or is lost, thus never reaching its destination.

Consequently, hospitals treating the wounded and other patients are deprived of indispensable medicine, infants of their food and items of personal hygiene and many refugees cannot meet their basic needs.

Transport of humanitarian aid is much more expensive since it does not reach Yugoslavia, and the Serbian Orthodox Church is particularly affected by the suspension of the Yugoslav Airlines flights, which transported the aid free of charge.

Educational institutions of the Serbian Orthodox Church, seminaries and the Theological School, in the absence of foreign aid, are facing an unenviable situation and have been forced to reduce their capacities. For the same reason, the construction of churches and restoration of monasteries as cultural and historical monuments has stopped. The damage suffered by the Serbian Orthodox Church alone, because of the sanctions, is evaluated at over \$100 million.

The greatest burden of the inhumanely imposed sanctions and all their effects are borne by the population of the Federal Republic of Yugoslavia and the over 600,000 refugees it has received. If such a situation continues, they will face the gravest economic, health and social problems that will have to be solved by future generations. According to the appeal of the United Nations inter-agency body, \$150 million are necessary for the April to December 1993 period as aid to refugees in the Federal Republic of Yugoslavia in order to alleviate their plight at least to some extent.

DOCUMENT S/25871

Letter dated 28 May 1993 from the Secretary-General to the President of the Security Council

*[Original: English]
[1 June 1993]*

In the statement issued by the President of the Security Council on 22 May 1993 relating to the activities of the United Nations Transitional Authority in Cambodia (UNTAC) [S/25822], the Council took note of the preliminary report by the Secretariat on the shelling that had taken place on 21 May 1993 in Kompong Cham Province and requested me to investigate the incident further and to report urgently to the Council.

The information contained in this letter is submitted in response to that request and is based on reports of investigations undertaken by UNTAC including by its Strategic Investigation Team.

On 21 May 1993 at about 11.30 p.m. local time, approximately 15-20 members of the National Army of Democratic Kampuchea (NADK), the forces of the Party of Democratic Kampuchea (PDK), attacked a police position of the party of the State of Cambodia (SOC) which is located directly south and about 150 metres from the position of a Chinese Engineer Company in Skon village in Kompong Cham Province. Small arms and rockets were used in the attack. SOC police retaliated immediately using small arms, mortars and rockets.

Three rockets were fired by NADK from approximately 100 to 150 metres further south of the SOC position. The first of these, probably a B40.5 rocket, overshot the SOC position and went through an open window of one of the barracks of the Chinese Company, which was located in the line of fire. One Chinese soldier was killed instantly. Another suffered serious injuries and died about two and a half hours later. Seven other soldiers were injured. All of the injured soldiers were evacuated to Phnom Penh. A sentry of the Chinese Company observed the other two rockets overshoot both the SOC position and the Chinese camp and fall into a pond at the rear of the barracks. The exchanges of fire between NADK and

Following investigations by the Strategic Investigation Team, UNTAC has confirmed its initial finding that it is unlikely that the Chinese Company was the intended target of the attack; one section of the Chinese Company is located east of the SOC police position and closer to the source of fire but this section was not hit. UNTAC's assessment is that a rocket aimed at the SOC police position hit the Chinese camp due to inaccuracy of fire and the location of the camp which is in the same line of fire as the SOC position.

(Signed) Boutros BOUTROS-GHALI

DOCUMENT S/25872

**Letter dated 30 May 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

[Original: English]
[1 June 1993]

We regret to inform you that Serbian aggressors have launched a new offensive against the "safe area" of Gorazde, and continue their offensives against the towns of Brcko and Maglaj with unabated intensity, as well as severely shelling Sarajevo (another "safe area").

Acting under instructions from the Presidency of the Republic of Bosnia and Herzegovina, under Article 35, paragraph 1, of the Charter of the United Nations, in view of renewed and intensified Serbian aggression against a sovereign State Member of the United Nations as well as United Nations proclaimed "safe areas", we urgently request an emergency meeting of the Security Council.

I also have the honour to submit to you the present letter and the attached one dated 30 May 1993 from my President to you.

May I ask for your kind assistance in circulating this and the attached letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations

**LETTER DATED 30 MAY 1993 FROM THE PRESIDENT
OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA
TO THE PRESIDENT OF THE SECURITY COUNCIL**

The town and population of Gorazde, an area declared a "safe area" by the Security Council, has become the latest target of Serb aggression and ethnic cleansing. After supplementing previously existing forces with more forces from the Republic of Serbia and other "safe areas", Serbs have launched this new concentrated offensive against Gorazde and its civilian population of 60,000. Serbian leadership still shows no respect for and continues to manipulate the authority of the Security Council. They fear no reprisal from the international

community. The victim continues to be deprived of defensive assistance and weaponry.

We again, on the basis of past experience, fear the massacre of a civilian population (while the United Nations equivocates these claims on the basis of lack of information because they have not received permission from Serbian forces to enter the enclave and witness the slaughter). We must demand immediate action. It is not acceptable to have United Nations forces facilitating the surrender of the defenders of a sovereign Member State of the United Nations.

We call upon the Security Council and relevant Member States to take the "necessary measures" to challenge and stop this latest act of aggression and genocide. It is clear that "necessary measures" have not been taken when United Nations forces are blocked from even entering Gorazde to monitor the "safe area" and the current aggression against it. If the Security Council fails to take such "necessary measures", the Republic of Bosnia and Herzegovina emphasizes a call to all States Members of the United Nations to come to its assistance under Article 51 of the Charter.

May I request your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Alija IZETBEGOVIĆ

DOCUMENT S/25873

**Letter dated 1 June 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

[Original: English]
[1 June 1993]

I have the honour to submit to you the attached letter from my President, Mr. Alija Izetbegovic, dated 1 June 1993, addressed to you.

May I ask for your kind assistance in circulating this letter and its attachment as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations

**LETTER DATED 1 JUNE 1993 FROM THE PRESIDENT
OF BOSNIA AND HERZEGOVINA TO THE PRESIDENT
OF THE SECURITY COUNCIL**

Serb paramilitary units, directly supported by the Yugoslav Army from Serbia, continue their aggression throughout Bosnia and Herzegovina. Gorazde is now the primary target, where enormous force is being used. The aggressor is destroying everything in its path. Eighteen villages in the Gorazde region are reported to have been burned and cleansed of their inhabitants. Everything from Ustipraga to Medjeda is literally in flames.

The aggressor is able to do this because you, the Security Council, have tied our hands while our people are being killed and our country is being destroyed.

You say that you do not wish to take sides in this conflict. But, you implicitly and explicitly took sides in this conflict when the Security Council imposed an arms embargo on the former Yugoslavia and when the Council decided to enforce the same resolution in respect of Bosnia and Herzegovina. The arms embargo has substantially helped the well-armed aggressor and tragically weakened the victim. This is now obvious to everyone.

The consequences are clear and tragic: two thirds of our country is occupied; over 200,000 civilians have been killed; more than 2 million civilians have been uprooted from their homes; hundreds of towns and villages have been destroyed. This is the price this country and its people have paid for one unfortunate decision and for your unyielding opposition to it being corrected, despite the fact that the situation in the former Yugoslavia has changed drastically.

Whether you will help us to defend ourselves is your prerogative and your right. Self-defence, however, is our right. You have taken away that right. You must return this right to us.

(Signed) Alija IZETBEGOVIC

DOCUMENT S/25874

Letter dated 1 June 1993 from the representative of Croatia to the President of the Security Council

[Original: English]
[2 June 1993]

I have the honour to inform you that the Government of Croatia is offering once again to accept international control on its entire border with Bosnia and Herzegovina and is calling for immediate implementation of the aforesaid measure. At the same time, the Croatian Government is urging that monitors be posted immediately on the border between the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnia and Herzegovina.

Croatia is also calling for rapid implementation of Security Council resolution 769 (1992) concerning control by the United Nations Protection Force (UNPROFOR) of the international border of Croatia that is adjacent to the United Nations Protected Areas. We would like to emphasize the importance of the border control in implementation of Security Council resolutions 757 (1992), 787 (1992) and 820 (1993) concerning the economic sanctions against Serbia and Montenegro.

It is our belief that tight and strict control of the above-mentioned borders is absolutely necessary as a crucial step in easing tensions in the region and stopping Serbian aggression. It is important not only as a measure for preventing the flow of arms, ammunition and soldiers from Serbia to the occupied parts of Bosnia and Herzegovina and Croatia, but

also as a step in strengthening the territorial integrity of Croatia and of Bosnia and Herzegovina.

Serbian insurgents in Croatia and Bosnia and Herzegovina are again trying to "unify" their self-proclaimed "States", militantly rejecting the sovereignty and territorial integrity of two States Members of the United Nations - Croatia and Bosnia and Herzegovina. This is a major obstacle to the peace and stability of the entire region; therefore we are calling on the Security Council to take the necessary steps to prevent this aggressive behaviour that is threatening the territorial integrity of Croatia and Bosnia and Herzegovina.

The recent events at Belgrade, including the ousting of the President of the "Federal Republic of Yugoslavia" (Serbia and Montenegro) Dobrica Cosic, are a clear warning that Serbian policy is becoming more radical and more dangerous. It is no surprise that Serbian attacks on Croatian towns, as well as on Sarajevo and other targets in Bosnia and Herzegovina, are intensifying with horrifying consequences. It is no surprise that Serbian warlords in the United Nations Protected Areas in Croatia are rejecting peace talks with the Croatian Government, as I have already informed the Security Council in my letter dated 27 May 1993 [S/25854]. It is high time for the Security Council to take all steps available to it in achieving the implementation of its relevant resolutions and halting the aggression that is jeopardizing the stability of the European continent.

The inability of the world community to reach a consensus in the implementation of the peace plan for Bosnia and Herzegovina is encouraging militant Serbian extremists. It is the firm opinion of the Croatian Government that the Vance-Owen plan remains the best option for a secure and stable future for Bosnia and Herzegovina. Observing, controlling and defending the international borders of Bosnia and Herzegovina, as well as establishing safe areas in that Republic, are the first step in achieving the goals of the Vance-Owen plan.

I should be grateful if you would provide for the circulation of the present letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

DOCUMENT S/25877

Letter dated 2 June 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[2 June 1993]

Today, 2 June 1993, we received an update directly from Gorazde once again.

1. The offensive against Gorazde continues unabated;

2. The civilian death toll exceeds 100, including at least 10 people who were burned alive in an outlying village when their homes were burned by Serbian forces who blocked their escape from their homes;

3. Up to 40 villages have been razed and several mosques have been deliberately destroyed;

4. Air drops of humanitarian relief are no longer very effective because the designated area for these drops is now in a fire zone;

5. All ground relief convoys, as well as United Nations observers, are blocked from approaching Gorazde. Food is in critically short supply (approximately 1/2 kilogram of flour per person per week). Water supplies are limited and largely non-hygienic, and medicines of all forms are desperately short.

The people of Gorazde implored Member States to apply resolution 770 (1992) to deliver desperately needed humanitarian relief.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations*

DOCUMENT S/25878

**Letter dated 2 June 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

*[Original: English]
[2 June 1993]*

I have the honour to submit to you the attached letter dated 2 June 1993, from my President to you.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations*

**LETTER DATED 2 JUNE 1993 FROM THE PRESIDENT
OF THE PRESIDENCY OF THE REPUBLIC OF BOSNIA
AND HERZEGOVINA TO THE PRESIDENT OF THE
SECURITY COUNCIL**

As we are informed of the continuing discussions within the Security Council regarding the so-called Joint Action Programme, we must emphasize certain points.

Until their mandate is reviewed with and is explicitly authorized by our Government, we cannot accept the deployment of any new United Nations mandated forces. We

have presented certain questions to assist us in our evaluation. Unfortunately, the responses to these concerns have not been forthcoming. It appears, however, that the "safe areas" resolution proposed by the Programme promoters does not:

(a) Establish a time frame to accept/implement the Vance/Owen plan and call for necessary measures to enforce the time frame;

(b) Alternative measures failing, recognize the Republic of Bosnia and Herzegovina's rights under Article 51 of the Charter of the United Nations;

(c) Apply the safe areas concept broadly enough to defend all threatened population centres (while continuing to deny the full opportunity to defend these "non-safe areas/provinces" ourselves);

(d) Provide adequate forces and rules of engagement that clearly and effectively justify the designation of "safe areas";

(e) Address the control/neutralization of heavy weaponry, and the relocation of such weapons to target "non-safe areas";

Finally, we have over the last few days witnessed new Serbian attacks against several of our towns, including at least two "safe areas", (as well as the dangerously deteriorating humanitarian situation in another "safe area", Srebrenica). We have implored you to respond to these direct assaults on our civilians and the Security Council's authority. We wonder why you have not responded to these assaults and must come to the unfortunate conclusion that this is not for lack of an attainable mandate. What seems to be lacking is the will to confront the Serbians and the commitment to the Republic of Bosnia and Herzegovina. Precisely for this reason, we emphasize Article 51 and dependence on our efforts for self-defence, and not because it is our preference.

*(Signed) Alija IZETBEGOVIC
President of the Presidency*

DOCUMENT S/25879

**Letter dated 2 June 1993 from the Secretary-General to
the President of the Security Council**

*[Original: English]
[2 June 1993]*

I have the honour to bring to your attention the statement made by my Special Representative for Cambodia at a meeting of the Supreme National Council of Cambodia on 29 May 1993 after the conclusion of the polling period in the election in Cambodia from 23 to 28 May 1993. In this statement, which I endorse fully, my Special Representative declared that the conduct of the election had been free and fair.

After the completion of the counting of votes, which is now proceeding, a determination will be made, as provided under the Paris agreements, on the freeness and fairness of the entire election process.

(Signed) Boutros BOUTROS-GHALI

ANNEX

Statement made by the Special Representative of the Secretary-General for Cambodia at the Supreme National Council of Cambodia on 29 May 1993

Your Royal Highness, distinguished members of the Supreme National Council, Your Excellencies, ladies and gentlemen,

Last night the six-day polling period of the Cambodian elections ended. As I speak, the counting of the ordinary ballots and the verification and counting of the tendered ballots is proceeding. The ordinary ballots are being counted in provincial centres and at Phnom Penh. The tendered ballots are being verified and counted at Phnom Penh only. We will be announcing figures twice a day in each Province starting later today, and I would expect that we can complete the count of ordinary ballots nationwide by early next week.

The verification and counting of the tendered ballots will take a little longer. However, since tendered ballots accounted for only about 7 per cent of the total, and since tendered ballots were cast in most cases because voters were voting outside the Province in which they had registered rather than because they had lost their cards, verification can be completed in a relatively short time. The total vote count can probably therefore be completed and announced within the week.

At our last meeting, which took place on 20 May, after the end of the electoral campaign but before the beginning of the polling, I announced that acceptable conditions existed for the holding of the election, on the basis of the conduct of the campaign and the peaceful holding of public meetings and rallies by hundreds of thousands of Cambodians.

The polling began on schedule on Sunday, 23 May. It proceeded without serious incident until Friday, 28 May. For the first three days, fixed polling stations operated in tandem with smaller mobile teams, and for the last three days mobile teams only were in operation.

The election took place in every district of every Province of Cambodia, except for two districts in Siem Reap Province. According to the latest figures, a total of 4,242,454 registered voters, representing some 89.04 per cent of the electorate exercised their right to cast their ballots. In our view, they did so without fear in an atmosphere of calm that was almost completely free of violence and intimidation. There was no significant disruption of the polling.

Some technical difficulties arose. These included the rupture of several plastic seals and some padlock seals in transit owing to the very rough condition of the roads and complaints about the indelible ink and the use of pencils in some Provinces. These difficulties were immediately dealt with in close consultation with the party agents, who exercised their right to observe the polling in a responsible and vigilant manner. The process was observed in its entirety by international observers, including a multinational group from the Inter-Parliamentary Union, and by the local and international media.

In conclusion, on behalf of the Secretary-General and of the United Nations, I have no hesitation in declaring that the conduct of the elections was free and fair. I wish to pay the warmest possible tribute to the Cambodian people who, through their courage, patience, good humour and commitment to peace and democracy, delivered a stinging rebuke to the men of violence and to those who tried to prevent them from exercising their inalienable rights. I also wish to express my deep gratitude to His Royal Highness Prince Norodom Sihanouk, Head of State and President of the SNC [Supreme National

Council], for his precious support for the elections, as evidenced by his return to his country on the eve of polling.

Whichever party gets the largest share of the votes, the outright winners in this election are clearly the people of Cambodia. I salute them, and I wish, through His Royal Highness Prince Norodom Sihanouk and the other distinguished members of the SNC, to thank them wholeheartedly for placing their confidence in the impartiality of UNTAC. I shall never forget the spontaneity and enthusiasm of ordinary Cambodians which I was able to observe everywhere I went during the polling period. Let me read a passage from a report by an UNTAC [United Nations Transitional Authority in Cambodia] officer from Kompong Cham Province describing the turnout as "overwhelming": "People want to vote. The general spirit is festive. People walked long distances in the rain on the first day. People coming out of polling stations are happy, even jubilant. People are laughing and joking outside of sites. Crowds packed into the back of large trucks are singing and dancing. Crowds of children and adults line the roadways to watch the ballot box convoys on their trips in the evenings, waving and smiling."

This outpouring of popular will should reinforce the commitment the parties have already made to respect the results of the election. The Security Council has reminded all the Cambodian parties of their obligations under the Paris agreements [*agreements on a comprehensive political settlement of the Cambodia conflict*] to comply fully with the results of the election. The determination of the election as free and fair does place a strict obligation on all participants to abide by the people's choice, whatever it may be.

Immediately following the completion of the count I will announce the determination of the United Nations as to whether or not the count itself was conducted in a free and fair manner. The list of members of the Constituent Assembly will then be drawn up on the basis of those certified results and publicly announced. The date and venue of the first meeting of the Assembly will then be fixed.

UNTAC stands ready to assist the honourable members of the Constituent Assembly in every appropriate manner, including helping to set up its secretariat. A draft set of rules of procedure has already been drawn up for its consideration. I am in close consultation with His Royal Highness Prince Norodom Sihanouk, President of the SNC, as to the ways and means of coping effectively with the post-electoral situation, which will no doubt be complex. I wish to propose that the modalities of the Assembly's functioning and its relationship with UNTAC, with SNC and with the existing administrative authorities, be discussed at the next meeting of SNC on 5 June 1993.

I should like to conclude my statement by quoting from a message I have received from Mr. Boutros Boutros-Ghali, Secretary-General of the United Nations. "The successful holding of the election is not the end, but the beginning of what we hope will be an exciting journey for the Cambodian people along the road of national healing" and the rehabilitation and reconstruction of the country, which is so much desired.

DOCUMENT S/25885

Letter dated 3 June 1993 from the representative of Croatia to the Secretary-General

[Original: English]
[4 June 1993]

I have the honour to submit herewith a letter by the President of the Republic of Croatia, Mr. Franjo Tudjman, addressed to you.

I should be grateful if you would provide for the circulation of the present letters as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

LETTER DATED 3 JUNE 1993 FROM THE PRESIDENT
OF THE REPUBLIC OF CROATIA TO THE
SECRETARY-GENERAL

The Republic of Croatia is grateful to the United Nations and to you personally for all the efforts made so far, and currently being continued, to stop the war and promote the peace process in Croatia. At this time, when decisions are being made regarding the extension of the mandate and the authority of UNPROFOR [United Nations Protection Force] in the Republic of Croatia, as well as regarding further measures to stop the war and implement the peace plan in the Republic of Bosnia and Herzegovina, I am addressing you in order to prevent the further deterioration of the situation and bring about a peaceful solution.

1. Serbian aggression against the Republic of Croatia, a State Member of the United Nations, is continuing in the UNPAs [United Nations Protected Areas]. Armed provocations and attacks on Croatian cities (Zadar, Biograd, Sibenik, Gospić) have intensified in recent days, accompanied by destruction of civil targets and loss of human life. At the same time, the local population in the UNPAs is being terrorized on an ever increasing scale, Croats and other non-Serbian residents are being detained and maltreated, the most active perpetrators of such actions being volunteers from Serbia whose number amounts to several thousands in all sectors.

The Serbian side has unilaterally broken off the negotiations between the representatives of the local Serbs and the representatives of the Government of the Republic of Croatia. The president of the self-proclaimed Assembly of the so-called "Republic of Serbian Krajina", Mr. Mile Paspalj has convened a session of the "Krajina Parliament" on Saturday, 5 June 1993, at Petrinja, to discuss, among other matters, the scheduling of a referendum on "the integration of the Republic of Serbian Krajina with the Republic of Srpska and other Serbian lands". This is a call for integration with the Federal Republic of Yugoslavia, i.e. Serbia and Montenegro, in other words, the creation of a "Greater-Serbia".

The aggressive policy of Belgrade and the ringleaders of the Serbian rebellion in the Republic of Croatia is obviously intensifying, as manifested significantly by the total non-acceptance and rejection of all relevant United Nations resolutions, and of the international legal order, aimed at absorbing parts of the territory of two sovereign

Member States, the Republic of Croatia and the Republic of Bosnia and Herzegovina.

Quite obviously, such a position is totally unacceptable to the Republic of Croatia, as it is contrary to the Charter of the United Nations and all relevant Security Council resolutions, and particularly to Security Council resolution 815 (1993) which stipulates that the UNPAs are integral parts of the territory of the Republic of Croatia.

2. Louder and louder demands are being heard, including statements made in the Assembly of the Federal Republic of Yugoslavia, calling for the re-occupation of Prevlaka, which do not contribute to the appeasement of the situation, but, rather, constitute open threats and territorial pretensions towards the Republic of Croatia.
3. The dramatic situation in Bosnia and Herzegovina is also deteriorating, battles are being fought which are resulting in scores of military and civilian casualties, and there are ever more casualties among members of relief organizations and UNPROFOR troops. The established humanitarian corridors are not being respected and, in spite of all the efforts of the international community, humanitarian aid is not reaching its destinations regularly.

In view of the foregoing, and particularly in the absence of effective decisions by the international community to implement the Security Council resolutions, adopted thus far, we are deeply concerned about further possible developments of the situation. In accordance with the goal of Croatian policy to the aggression and the creation of conditions for the achievement of peace - we resolutely urge as follows:

- (a) In accordance with Security Council resolution 769 (1992), as well as Council resolutions 757 (1992), 787 (1992) and 820 (1993) regarding sanctions against Serbia and Montenegro, it is necessary to establish without delay international control and securing of the international borders between the Republic of Croatia and the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro) which adjoin the UNPAs;
- (b) Concerning the situation in Bosnia and Herzegovina and the unfounded accusations that Croatia is involved in the internal conflicts in Bosnia and Herzegovina, we suggest that UNPROFOR take effective control and secure all the borders of Bosnia and Herzegovina. This means that we also accept, within the framework of the control of all borders of the Republic of Bosnia and Herzegovina, the international control of the entire border between the Republic of Croatia and the Republic of Bosnia and Herzegovina, and not only those adjoining the UNPAs.

I am convinced that the control of borders is an indispensable and crucial step towards ending the war and the aggression and achieving a peaceful solution subsequent to the Security Council resolutions. Let me assure you that Croatia is prepared to implement, as soon as possible, all relevant Security Council resolutions in order to establish a lasting and

stable peace in the territory of the former Yugoslavia. In spite of all the gravity and tragedy of the situation in the Republic of Bosnia and Herzegovina, the Republic of Croatia cannot and must not be a hostage to these events, but the international community should actively seek a solution to the crucial issue of the UNPAs in Croatia and the militant conduct of the rebellious Serbs of these areas. I believe that this issue could be resolved separately from the crisis in Bosnia and Herzegovina, and that the successful implementation of the Vance plan in the UNPAs will have a strategically positive impact on promoting the comprehensive implementation of the Vance-Owen plan in Bosnia and Herzegovina.

Croatia will be prepared to accept the extension of the UNPROFOR mandate based on clear guidelines for the implementation of the Vance plan and of the relevant Security Council resolutions.

Your role in the resolution of the crisis in the former Yugoslavia is of the utmost importance. In order to witness the seriousness of the events in the Republic of Croatia, and to familiarize yourself on the spot with the realistic possibilities for a peaceful solution to the benefit of all its citizens, you are cordially invited to visit the Republic of Croatia. You are most welcome here, and your visit would surely contribute greatly to a resolution of these issues.

President of the Republic of Croatia
Franjo TUDJMAN

DOCUMENT S/25886

Letter dated 4 June 1993 from the representative of Viet Nam to the Secretary-General

[Original: English]
[5 June 1993]

Upon instructions from my Government, I have the honour to transmit to you herewith the statement dated 3 June 1993 of the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam concerning the general elections for a constitutional national assembly in Cambodia, held from 23 to 28 May 1993.

I should be very grateful if you would have the enclosed statement circulated as a document of the Security Council.

(Signed) Le V. BANG
Acting Permanent Representative of Viet Nam
to the United Nations

TEXT OF THE STATEMENT

The general election for the Constitutional National Assembly in Cambodia organized and supervised by the United Nations in conformity with the Paris Agreement on the Comprehensive Political Settlement of the Cambodian Conflict took place from 23 to 28 May 1993. The general election

proceeded in a relatively calm and orderly atmosphere. In spite of deliberate attempt by the Khmer Rouge to sabotage the election, the voter turnout was nearly 90 per cent. That reflects the Cambodian people's desire to have, at an early date, peace, stability and national concord in order to build a prosperous country and a happy life after the ravages of wars and genocide. Favourable developments in connection with this election also reflect the great determination and efforts by the United Nations and the signatories to the Paris Agreement in promoting the peace process in Cambodia.

As Cambodia's close neighbour and a signatory to the Paris Agreement, the Vietnamese Government and people follow the election with great interest and, together with world public opinion, hope that the election will create good conditions for the Cambodian people to build a peaceful, independent, neutral and non-aligned country which entertains friendly relations with all countries. The Vietnamese Government and people, once again, call upon the international community and the Cambodian parties concerned to make additional contributions to the process so that Cambodia can soon have peace and stability in the interests of the Cambodian people and others in the region.

On this occasion, the Government of the Socialist Republic of Viet Nam reaffirms its consistent policy to scrupulously observe the Paris Agreement, fully respect Cambodia's independence, sovereignty and the Cambodian people's right to decide their own destiny. The Vietnamese Government and people wish to maintain and develop good-neighbourly relations with Cambodia on the basis of the principles of peaceful coexistence, non-interference into each other's internal affairs and mutually beneficial cooperation in the interests of the respective countries, and those of peace and stability in South-East Asia and the rest of the world.

In this connection, the Government of the Socialist Republic of Viet Nam expresses its willingness to recognize a new government in Cambodia to be elected by a Constitutional National Assembly and its desire to consolidate and broaden relations of friendship and cooperation in the spirit of the January 1992 Vietnamese-Cambodian Joint Communiqué.

Hanoi, 3 June 1993

DOCUMENT S/25887

Letter dated 5 June 1993 from the representative of Italy to the President of the Security Council

[Original: English]
[5 June 1993]

Upon instructions from my Government I wish to inform you that Italy joins Pakistan in requesting an immediate meeting of the Security Council to discuss the armed attack against Pakistani peace forces in Somalia which resulted in the death of at least 18 Pakistani soldiers.

Should the Security Council decide to hold an open debate on this tragic event, Italy asks you to take the floor according to the rules of procedure of the Council.

(Signed) Francesco P. FULCI
*Permanent Representative of Italy
to the United Nations*

DOCUMENT S/25888

**Letter dated 5 June 1993 from the representative of
Pakistan to the President of the Security Council**

[Original: English]
[6 June 1993]

Under instructions from my Government, I have the honour to request an urgent meeting of the Security Council to discuss the recent developments in Somalia.

(Signed) Jamsheed K. A. MARKER
*Permanent Representative of Pakistan
to the United Nations*

DOCUMENT S/25890*

**Letter dated 28 May 1993 from the representative of
Nicaragua to the Secretary-General**

[Original: Spanish]
[7 June 1993]

I have the honour to transmit to you herewith the text of the statement issued on 15 April 1993 by the Ministry of Foreign Affairs of the Republic of Nicaragua concerning the decision of the Democratic People's Republic of Korea to withdraw from the Treaty on the Non-Proliferation of Nuclear Weapons.

I should be grateful if you would have the text of the present letter and the statement circulated as a document of the General Assembly and of the Security Council.

(Signed) Erich VILCHEZ ASHER
*Chargé d'affaires a.i. of the Permanent Mission
of Nicaragua to the United Nations*

TEXT OF THE STATEMENT

Nicaragua strongly supports all measures that strengthen international peace and security. In this regard, the Treaty on the Non-Proliferation of Nuclear Weapons helps to create stability and a climate of confidence and security at both the regional and global levels.

The decision of the Democratic People's Republic of Korea to withdraw from the Treaty has elicited various reactions, including a joint declaration by the depositaries of the Treaty. The climate generated by that decision may affect efforts to

consolidate stability and peace in the Korean Peninsula and, in particular, efforts to reunite the two Koreas.

This situation is a source of profound concern for the Government of Nicaragua, which hopes that it will be possible to arrive at a satisfactory solution within the framework of international law and, in particular, the principle of the peaceful settlement of disputes, strict compliance with international treaties and international obligations that have been assumed.

Nicaragua, in keeping with its foreign policy in support of demilitarization and the conclusion of agreements to minimize or eliminate weapons of mass destruction, hopes that all States parties to the Treaty on the Non-Proliferation of Nuclear Weapons will remain legally bound to that instrument in order to promote efforts to achieve general and complete disarmament in the world.

DOCUMENT S/25891

**Letter dated 3 June 1993 from the representative of
Azerbaijan to the President of the Security Council**

[Original: English]
[7 June 1993]

I have the honour to transmit herewith the text of a letter dated 3 June 1993, to Mr. Don Juan Antonio Yañez-Barnuevo, President of the Security Council for the month of June, addressed to him by Mr. Tofik Gassymov, Minister for Foreign Affairs of Azerbaijan.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
*Permanent Representative of Azerbaijan
to the United Nations*

**LETTER DATED 3 JUNE 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF AZERBAIJAN TO THE
PRESIDENT OF THE SECURITY COUNCIL**

[Original: Russian]

The Azerbaijani Republic welcomed the Security Council's adoption of resolution 822 (1993), regarding it as a serious and resolute measure on the part of the international community, which refuses to condone Armenia's blatant violation of the sovereignty of Azerbaijan. The resolution, which demands the withdrawal of occupying forces from occupied areas of Azerbaijan, has made it clear to the Armenian side, which has cynically defied the entire international community, that its actions against Azerbaijan are unacceptable and inadmissible. The resolution has also inspired us with hope and optimism regarding the speedy resumption of the Minsk negotiations, so treacherously cut short by Armenian aggression and the occupation of Kelbadjar, Lachin and other areas of Azerbaijan. As one of the initiators of the negotiations within the

* Circulated under the double symbol A/48/190-S/25890.

framework of the Conference on Security and Cooperation in Europe (CSCE), Azerbaijan is grateful to the Security Council and the General Assembly for their support for its peacemaking efforts in the Minsk Group.

However, I wish to express my extreme concern at the current situation. Exactly one month has elapsed since the adoption of Security Council resolution 822 (1993) but, to our great regret and disappointment, the steps undertaken by Azerbaijan in cooperation with the countries members of the Minsk Group have not had the desired effect.

The efforts of three States - the United States of America, Russia and Turkey - to carry out their initiative, which would make possible the step-by-step implementation of Security Council decisions and the resumption of the Minsk process, have been roundly rejected by the Armenian side.

Twice - on 6 and 26 May - the Azerbaijani Republic, desiring a peaceful settlement of the question of occupation, gave its consent to the schedule of urgent measures proposed by the three countries, despite the fact that the schedule contains a number of unsatisfactory elements. However, on both occasions, the Armenian side rejected the opportunity to find a way out of the impasse into which it had driven itself. I cannot refrain from pointing out that the unilateral cease-fire declared by Azerbaijan and which began on 24 May, was grossly violated by the shelling of the Sadarak (Nakhichevan) and Fizuli districts of Azerbaijan.

Armenia's intentions are clear and self-evident. Having created a powerful military base in the territory of Azerbaijan and having expanded its position of strength through the seizure and occupation of an increasing number of districts of Azerbaijan, the Armenian side, resorting to various pretexts, conditions and other subterfuges and taking advantage of the obvious weakness of CSCE mechanisms, is dragging out the process and using the time so gained to consolidate its military positions and preserve the status quo.

Such failures and delays create a dangerous vacuum. I should also like to state that there is a limit to Azerbaijan's willingness to seek a compromise.

We appreciate the efforts of the United States, Russia and Turkey, and also the chairman of the Minsk Group, to find a "peaceful" way of implementing Security Council resolution 822 (1993). However, that gives rise to the dangerous tendency of conducting negotiations on Security Council decisions that have already been discussed and adopted and which all parties are bound to implement. I am afraid that this quagmire will also engulf Council resolution 822 (1993); at the same time, the resolution deals with extremely pressing problems. I am not very optimistic about the forthcoming meeting of mediators at Rome, since their two previous efforts were complete failures.

The fragile peace process has been dealt a fair number of blows, and the next one may destroy what little has been achieved.

While a political settlement does not permit military operations, it does not rule out the use of pressure and force.

I believe that the current situation calls for the intervention of the Security Council which, in its resolution 822 (1993), decided to remain actively seized of the matter and requested the Secretary-General to assess the situation in the region. Urgent measures must be taken to implement Council resolution 822 (1993), which would make it possible to return to the situation prevailing prior to the occupation of Kelbadjar and give CSCE an opportunity to continue the peace process.

Tofik GASSYMOV
*Minister for Foreign Affairs
of the Azerbaijani Republic*

DOCUMENT S/25892

Letter dated 7 June 1993 from the representative of Albania to the President of the Security Council

[Original: English]
[7 June 1993]

Upon instructions from my Government, I have the honour to report the following to you.

It has become known from various sources that the ongoing negotiations aimed at finding a permanent denomination for the former Yugoslav Republic of Macedonia will, most likely, lead to the adoption of the name "Slavo-Macedonia".

The Albanians of the former Yugoslav Republic of Macedonia have strongly opposed the name "Slavo-Macedonia" because it openly ignores the existence there of a very strong Albanian community which makes up nearly 40 per cent of the entire population of that country. Actually Albanians in the former Yugoslav Republic of Macedonia have never been treated, in many respects, on an equal footing with the Slav population of that Republic. And now attempts are being made to sanction this fact in the very name of the country, in which they have been living for centuries as an autochthonous people.

That is why the Albanians of the former Yugoslav Republic of Macedonia consider the proposed name as unacceptable and humiliating, and their deputies to the Parliament of that Republic, as well as all their political forces and parties, have firmly denounced it.

Owing to the historical inexactitude and the negative political implications of the suggested name, the Government of the Republic of Albania associates itself with the Albanians of the former Yugoslav Republic of Macedonia and their representatives in decidedly objecting to the name "Slavo-Macedonia".

I should be grateful, Mr. President, if you would have the present letter circulated as a document of the Security Council.

(Signed) Thanas SHKURTI
Permanent Representative of Albania
to the United Nations

DOCUMENT S/25893

Letter dated 7 June 1993 from the representative of
Malaysia to the President of the Security Council

[Original: English]
[7 June 1993]

I am pleased to transmit to you herewith the text of the statement that my delegation had intended to deliver during the deliberations of the Security Council at its 3228th meeting, held on 4 June 1993, on the situation in the Republic of Bosnia and Herzegovina.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) RAZALI Ismail
Permanent Representative of Malaysia
to the United Nations

TEXT OF THE STATEMENT

It has been very painful for my Government and the people of Malaysia to see that, after over a year now, the situation in Bosnia and Herzegovina continues to deteriorate. Acts of aggression and atrocities by the Serbs against the civilian population in that country, in particular the Bosnian Muslims, are rampant.

While my delegation welcomes the good intentions of previous resolutions on Bosnia and Herzegovina adopted by the Security Council, it is regrettable that all those resolutions have yet to achieve the desired objectives, primarily owing to the lack of political commitments on the part of the Security Council. It is the view of my delegation that all the resolutions on Bosnia adopted by the Security Council so far still lack the means and enforcement provisions to implement them. This explains why the Serbs continue to make a mockery of international law and continue to ignore Security Council resolutions.

The draft resolution on safe areas for action before the Security Council would not restore peace and the sovereignty, independence and territorial integrity of Bosnia and Herzegovina. Even as an immediate and temporary measure, the draft resolution, in our view, still has serious shortcomings:

(a) It does not establish a time-frame for these safe areas. The question that arises is "how temporary is temporary". Without any clear time-frame, the temporary measures could well lead to the creation of "permanent ethnic reservations" or

"Muslim ghettos" under the protection of the United Nations, allowing the Serbs and Croats to consolidate their control of territories acquired by force and would be tantamount to acceptance of the consequences of the abhorrent policy of ethnic cleansing of the aggressors;

(b) It does not address the question of lifting the arms embargo and recognizing the right to self-defence of Bosnia and Herzegovina as provided for in the Charter of the United Nations;

(c) It does not apply the safe-areas concept broadly enough to defend all threatened population centres, including those under Serbian and Croatian control;

(d) It does not address the question of control/neutralization of heavy weapons and the relocation of such weapons to target other population centres which have not been designated as "safe areas";

(e) It does not address the restoration of normalcy, including infrastructure, water and electrical supply in the safe areas.

In view of the foregoing, my delegation regards the draft resolution as another "false solution" in dealing with the grave situation in Bosnia and Herzegovina and it reflects once again the failure to fulfil obligations as stipulated in Article 24 of the Charter of the United Nations, which is to take prompt and effective measures to restore peace. It is the view of my delegation that the credibility of the whole question of the future of the United Nations collective system is at stake in the light of repeated failure to take decisive enforcement actions.

It is clear now that nothing short of enforcement action is required to save the Muslims of Bosnia and Herzegovina. Since diplomatic efforts have failed to inject sanity and reason on the Serbs, the only credible response available is the use of force under Chapter VII of the Charter. Such action must be taken now before the Muslims in that country are totally annihilated.

In the absence of any decisive international action against Serbian aggression, Malaysia urges the Security Council to lift the arms embargo against Bosnia and Herzegovina so that arms could be supplied to the Bosnian Muslims to arm themselves against Serbian aggression. Malaysia has always held the view that the United Nations embargo against the former Yugoslavia is clearly meant for the aggressors and it should not have the effect of denying the right of self-defence to the victims of aggression. It is unjust and unlawful to allow the situation to continue uncorrected when the Serbs are so heavily armed and are getting constant supplies, whereas the Bosnian Muslims are at the mercy of the murderous Serbian forces and are denied by the Council their inherent right to self-defence.

In conclusion, Malaysia on its part stands ready to contribute troops in support of any collective action under the auspices of the United Nations.

DOCUMENT S/25894

Letter dated 7 June 1993 from the representative of the Slovak Republic to the President of the Security Council

*[Original English]
[7 June 1993]*

Upon instructions from my Government, I have the honour to communicate the following:

The Security Council has decided on a wide range of measures against Serbia and Montenegro. The Slovak Republic is fully committed to implement all the resolutions of the Security Council.

As a Danube country and a State Member of the United Nations directly affected, the Slovak Republic is confronted with serious economic problems arising from carrying out the measures set out in the relevant resolutions of the Security Council.

Therefore, invoking Article 50 of the Charter of the United Nations, the Government of the Slovak Republic wishes to consult the Security Council with regard to a solution to these problems.

I would appreciate if you could kindly inform the members of the Security Council about the aforementioned intention of my Government and have this letter circulated as a document of the Security Council.

*(Signed) Eduard KUKAN
Permanent Representative of the Slovak Republic
to the United Nations*

DOCUMENT S/25900

Note verbale dated 7 June 1993 from the mission of Ukraine to the Secretary-General

*[Original English]
[9 June 1993]*

The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General and has the honour to inform him of the following.

With reference to Security Council resolution 820 (1993), on 17 May 1993 the Cabinet of Ministers of Ukraine adopted decision 356, which provides for the strengthening of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

In accordance with the above-mentioned decision, the Ministries and authorities of Ukraine, the Council of Ministers of the Republic of Crimea, the regional, Kyiv and Sevastopol city administrations, enterprises, associations, organizations and agencies are instructed to ensure the implementation of the relevant provisions of Security Council resolution 820 (1993)

and to take the necessary measures to keep to the minimum possible losses to Ukraine in this regard.

The decision also requires the aforementioned institutions to make available to the Ministry of Foreign Affairs of Ukraine necessary information concerning the implementation of Security Council resolution 820 (1993).

The Ukrainian State Customs Committee and the State Committee on the Protection of the State Border, together with the Security Service, should ensure effective monitoring of vessels engaged in transshipment of goods through the territory of Ukraine, with a view to determining whether or not the cargo actually corresponds to the data declared in the customs or shipping documents. In case of any discrepancies, the cargo or the vessel in question is subject to arrest.

The Permanent Mission of Ukraine to the United Nations requests that this note be circulated as a document of the Security Council.

DOCUMENT S/25901

Letter dated 8 June 1993 from the Secretary-General to the President of the Security Council

*[Original English]
[8 June 1993]*

The purpose of this letter is to report to you about developments relating to implementation of the provisions of the Peace Accords for El Salvador as they pertain to the end of the military structure of the Frente Farabundo Martí para la Liberación Nacional (FMLN) and the destruction of its remaining weapons and equipment.

As the members of the Security Council were informed during informal consultations on 1 June 1993, an explosion at an automobile repair shop at Managua on 23 May led to the discovery of a weapons cache containing, among other things, a number of surface-to-air missiles, large quantities of ammunition and military weapons, as well as plastic and other explosives. A number of documents were also found, including over 300 passports of various nationalities. On the strength of the evidence found at the shop, the Nicaraguan authorities linked the *Fuerzas Populares de Liberación* (FPL), one of the constituent groups of FMLN, to the presence of these illegal weapons on Nicaraguan territory. Although the leadership of the group at first denied any connection to the incident, it quickly acknowledged its responsibility for the existence of the cache, which it explained as an unfortunate by-product of the years of conflict. At the same time, however, it steadfastly denied any intention of reverting to the use of arms as an instrument of political pressure. It also offered its full cooperation in clarifying the facts.

At the invitation of the Nicaraguan Government, my Special Representative in El Salvador, accompanied by several members of ONUSAL [*United Nations Observer Mission in El Salvador*], travelled to Managua on 29 May to cooperate in the investigation launched by the Nicaraguan authorities. Although

Mr. Ramírez-Ocampo has now returned to El Salvador, the ONUSAL team has remained in Nicaragua to assist in the disposal of the arms and in the investigation of the facts surrounding their discovery. Evidence collected so far, together with the explicit acknowledgement by the leadership of the responsible FMLN group, has confirmed that the arms were the property of that group and that some of its members were involved in their maintenance. Enquiries continue with a view to assigning responsibilities more precisely. These enquiries will also examine the possible involvement of organizations or persons foreign to El Salvador. Leaders of the same FMLN group have provided information about the existence in Nicaragua of other clandestine deposits containing considerable amounts of weapons. Specialists from ONUSAL are working with a Nicaraguan team to itemize the war matériel found in those deposits and dispose of it.

Regardless of the results of the ongoing investigation, I must emphasize that the maintenance of clandestine arms deposits, for whatever reason, is a cause of serious concern and that the non-inclusion of these arms in the final inventory presented by the FMLN to ONUSAL raises serious questions of confidence and trust. It should be clear to those responsible that the peace process itself could be placed in jeopardy if such damaging incidents should again occur. In this regard I note with satisfaction that FMLN is cooperating with ONUSAL to locate and eliminate possible remaining arms caches in El Salvador. It is also worth noting that, at ONUSAL's request, FMLN agreed to the destruction, carried out on 4 June, of the sophisticated weapons located in El Salvador, which are referred to in paragraph 15 of my last report to the Security Council [S/25812]. As will be recalled, the destruction of these weapons had been scheduled to coincide with full compliance by the Government with the recommendations of the Ad Hoc Commission on the purification of the armed forces, due at the end of June. It is hoped that these events will bring to a close the process of the destruction of all FMLN weapons, thus eliminating a source of distrust that has been affecting the peace process.

The swift resolution of this episode should serve to encourage the Government to accelerate the collection of the large number of assault weapons still in private hands in El Salvador. This would imbue a greater sense of confidence in the Salvadorian population and thus strengthen the process of national reconciliation, which is the overriding goal of the Peace Accords.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

DOCUMENT S/25904

Letter dated 8 June 1993 from the representative of Croatia to the President of the Security Council

*[Original: English]
[8 June 1993]*

I have the honour to inform the Security Council on the position of the Croatian Government concerning the recent decision by the Serbian insurgents in Croatia to hold a

"referendum" about the "unification" of territories under their occupation with territories occupied by Bosnian Serbs. The Croatian Government finds this so-called "referendum" to be illegal, contrary to the Croatian Constitution and thus absolutely invalid and irrelevant.

We would like to bring the fact to the attention of the Security Council members, that the areas occupied by Serb rebels were mostly ethnically mixed areas before the Serbian aggression, and in some of them the Serbs were the clear minority (United Nations Protected Area East and West). The areas are now a disturbing model of how demographic ethnic change can be completed by the means of force and intimidation, because there are no other ethnic groups living there now but Serbs.

The Government of the Republic of Croatia strongly believes that the self-proclaimed "referendum" is organized with the clear attempt bluntly to neglect the fact that the Security Council and the Secretary General have clearly indicated that the only possible way for the solution of the crisis in Croatia to be found is through peaceful negotiations and within the internationally recognized borders of the sovereign Republic of Croatia.

This is one more sign that Serbian militant radicalism is gaining ground not only in Croatia, but in the entire region as well. It is no surprise to us that this is occurring after the international community retreated from its proclaimed strong action aimed to deal more effectively with Serbian militarism and its disregard for the relevant Security Council resolutions.

Because of these undisputed facts, the Government of Croatia requests that the Security Council take necessary steps in order to prevent further aggravations of the situation in the region.

I should be grateful if you would provide for the distribution of this letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

DOCUMENT S/25905

Letter dated 7 June 1993 from the representative of Iraq to the Secretary-General

*[Original: Arabic]
[8 June 1993]*

On instructions from my Government, I have the honour to transmit herewith a letter dated 6 June 1993 from Mr. Muhammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, addressed to you on the subject of Security Council resolution 833 (1993).

I should be grateful if you would have this letter and the letter from the Minister for Foreign Affairs of the Republic of Iraq, circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

LETTER DATED 6 JUNE 1993 FROM THE MINISTER
OF FOREIGN AFFAIRS OF IRAQ TO THE
SECRETARY-GENERAL

[Original: Arabic]

I have the honour to draw attention to the position of my Government on Security Council resolution 833 (1993), adopted on 27 May 1993. Pending our treatment of the matter in detail in the future, after all the completed documentation has arrived from the United Nations Iraq-Kuwait Boundary Demarcation Commission and been studied by the competent authorities with due care and attention, I should like, on this occasion, to present to you the initial viewpoint of the Government of the Republic of Iraq on this question.

I. First of all, I should like to reaffirm once again what was stated in the letter dated 6 April 1991 from the Minister for Foreign Affairs of the Republic of Iraq to the Secretary-General [S/22456] concerning Iraq's position on Security Council resolution 687 (1991), adopted on 3 April 1991, and what was stated in the letter about the question of the boundary between Iraq and Kuwait.

II. I should like to reaffirm once again what was stated in section II of the letter dated 21 May 1992 from the Minister for Foreign Affairs of the Republic of Iraq addressed to you [S/24044] concerning the establishment of the Boundary Demarcation Commission.

III. I should like also to reaffirm what was stated in section III of the letter dated 21 May 1992 from the Minister for Foreign Affairs of the Republic of Iraq addressed to you [*ibid.*] concerning a number of the decisions of the Boundary Demarcation Commission.

IV. With regard to the Commission's decision on the demarcation of the offshore boundary in the Khawr Abdullah and its endorsement by the Council in resolution 833 (1993), I should like to draw attention to a number of blatant facts that indicate the great defectiveness characterizing the work of the Commission.

1. When the Commission first discussed the question of the demarcation of the offshore section of the boundary at its third session, held at Geneva from 12 to 16 August 1991, the Chairman of the Commission affirmed - and his understanding was shared by the two independent experts - that there was a difficulty in dealing with the offshore section of the boundary because of the nature or the limits of the mandate given to the Commission, which did not authorize it to deal with the boundary line beyond the junction of the Khawr al-Zubayr and the Khawr Abdullah (i.e., in the sea), unless the two parties so

agreed, and that the Commission could, moreover, not confer powers on itself.

2. The representative of the rulers of Kuwait asked the Commission, during its fourth session in New York from 7 to 16 October 1991, that he should be afforded an opportunity to deliver a statement on the offshore section of the boundary at the next session. The Commission decided, in accordance with the adopted rules of procedure, to respond affirmatively to that request. When the representative of the rulers of Kuwait delivered his statement at the fifth session of the Commission, held in New York from 8 to 16 April 1992, the above-mentioned representative discussed the mandate of the Commission and claimed that it included the demarcation of the offshore boundary. At the time when it was assumed that the Chairman of the Commission would announce the conclusion of its work on this question with the position affirmed by the Chairman and the two independent experts at the third session of the Commission, which is stated above, the Chairman of the Commission merely remained silent.

3. At the Commission's sixth session, held in New York from 15 to 24 July 1992, which was essentially devoted to consideration of the Commission's report on its work to the Secretary-General, the Secretariat once again included in the draft agenda submitted by the Chairman discussion of the offshore section of the boundary. The Commission's minutes, which recorded the facts of the discussions that took place on the subject at this session, clearly revealed to any objective and fair observer the acute differences that prevailed in the discussions of the Commission, particularly between the representative of the rulers of Kuwait and his advisers and the Chairman of the Commission, because of the Kuwaiti pressure on the Chairman and the two independent experts, to adopt the position of the rulers of Kuwait concerning the demarcation of the offshore boundary. The Chairman of the Commission did not hesitate to reveal many of the glaring facts regarding the above-mentioned pressure and the interventions of the Deputy Legal Counsel of the Secretariat in the work of the Commission.

The final outcome at this session was that the Commission, as stated in its press release issued on 24 July 1992, approved consideration of the Khawr Abdullah sector also and discussion of it at a meeting to be held for this purpose in October.

It should be noted that this press release contained details indicating that the decisions taken by the Commission on the demarcation of what was described as the land boundary did not detach Umm Qasr, oil wells and territory from Iraq for the sake of the opposing policy. It appears that that was done in implementation of what was dictated to the Chairman of the Commission and its two experts regarding the interpretation of the decisions taken by the Commission in order to counter the extensive clamour from the press, which took up the subject and reported a portion of the facts in many newspapers in the West and in the Arab countries. Then the Commission, at its seventh session, held in New York from 12 to 16 October 1992, continued discussion of the matter, in the light of the

study submitted by the two independent experts, and requested them to continue collecting data on the question.

4. Two important developments occurred in this series of events. On 12 August 1992, the "further report" of the Boundary "Demarcation" Commission, completed at its sixth session, was transmitted to the President of the Security Council. The letter of transmittal stated that as far as the offshore boundary is concerned, the Council might wish to encourage the Commission to demarcate that part of the boundary as soon as possible, and thus complete its work. This statement was made even though the Secretariat knew full well that the Commission had not yet agreed that it was competent under its terms of reference to demarcate the offshore boundary and although its Chairman's position on this matter was very clear to it and reached the point of implied resignation if this matter was imposed on the Commission. This statement reinforces the impression that the Rapporteur was prematurely responding to the wish of the rulers of Kuwait and the States which support it in the Security Council and which had planned from the beginning that the outcome of the Boundary Demarcation Commission's work should be what it turned out to be, in spite of opposing views and concepts. In fact, we find that the Security Council hastened to adopt resolution 773 (1992) on 26 August 1992, stating, in paragraph 3, that it welcomed the decision of the Commission to consider the eastern section of the boundary, which included the offshore boundary, and urging the Commission to demarcate that part of the boundary as soon as possible and thus complete its work. This clear correspondence between the language used in the transmittal of the Commission's report to the Security Council and in the language of Security Council resolution 773 (1992) and the background of established facts that emerge from the Commission's discussions reflect beyond any doubt or interpretation a coordinated effort undertaken by the rulers of Kuwait, well-known circles in the Secretariat and certain States members of the Security Council to orient the work of the Commission in a way contrary to the mandate laid down for it by the Council itself in resolution 687 (1991) and in the report of the Secretary-General submitted under paragraph 3 of that resolution [S/22558], without going so far as to expressly amend that mandate, because that would mean an open political and legal scandal that could not be covered up. The Commission's work was guided in this way before it took a specific position on the question, because the utmost it had concerned itself with up to that point had not been more than a study of the topic from the technical viewpoint. That also explains the reiterations of the representative of the rulers of Kuwait, in the minutes of the meetings of the Commission, of his readiness to go to the Secretariat and to the Council for the adoption of the desired position on every occasion that he heard in the Commission a view contrary to what he wanted.

The second development concerns the resignation of the Chairman of the Commission as of 20 November 1992, as he explained in his letter dated 4 November 1992 to the Secretary-General. On 6 November, the Chairman of the Commission addressed another, more detailed, letter on the same subject to the Legal Counsel of the United Nations. This letter made it clear that the resignation was due to two causes, the first being a personal reason and the other being that he had

"for some time [had] reservations about the terms of reference of the Commission". The Chairman revealed in the above-mentioned letter how he had several times raised with the Legal Counsel some aspects of the Commission's terms of reference; that the offshore boundary (Khawr Abdullah) was not specifically referred to in the 1932 Exchange of Letters, which meant that delimitation was lacking for the Commission on which to base the operation of demarcation entrusted to it; and how the Legal Counsel had explained to him "that any change in the mandate of the Commission by the Security Council was out of the question". The letter explained also that the question had been discussed once again by the Chairman and the Legal Counsel in May and had also been discussed at two meetings held between the Chairman and the Legal Counsel, on the one hand, and the Secretary-General, on the other hand, in July and September 1992. And how the Chairman had "described" the situation that made it "impossible" for him to continue in office "unless certain modifications were made to the mandate of the Commission".

In view of the Chairman's realization of the difficulty of changing the Commission's terms of reference, he saw resignation as the only way open to him.

5. Following the resignation of the Chairman of the Commission, Mr. Nicolas Valticos was appointed Chairman, and the eighth session was held at Geneva from 14 to 16 December 1992, when it decided hastily that the basic principle governing the demarcation of the boundary in the Khawr Abdullah must be the median line, it being understood that the main aim and purpose of the adjustment of the boundary was to facilitate navigational access for both parties!

6. The improper intervention and influence on the work of the Commission which we have mentioned above and which has led to the result already explained, gives rise, in addition to the position that we have indicated, to a number of legal questions that we should like to summarize as follows:

(a) The description of the boundary basically endorsed by the Security Council for demarcation by resolution 687 (1991) and decided on by the report of the Secretary-General submitted under paragraph 3 of the above-mentioned resolution in no way touches on a description of the boundary in the Khawr Abdullah area. Accordingly, such description cannot be taken as the basis in any operation of demarcation as carried out by the Commission, because the demarcation must be based on a description, i.e., a delimitation of the boundary agreed on by the parties concerned.

(b) The Khawr Abdullah was not, according to the boundary description adopted by the Security Council in resolution 687 (1991), assigned the characteristic of the territorial sea, for investigation of the principle of its division between States with opposite or adjacent coasts in accordance with the principles of the law of the sea.

(c) The Khawr Abdullah area, even supposing that it were a territorial sea, is correctly described as subject to "special circumstances", as affirmed by the two independent experts also. This, under the 1982 United Nations Convention on the

Law of the Sea, permits the delimitation of the boundary of the territorial sea to be made by a method other than the principle of the medium line, failing agreement between the two parties on another principle. The provision relating to this case of "special circumstances" gains additional force because of the absence of an agreed formula for the delimitation of the boundary. In other words, the delimitation of the boundary in this area "is being effected for the first time", and thus the "special circumstances" case applies.

(d) Iraq has historic rights in the Khawr Abdullah area, in which the rulers of Kuwait do not carry on substantial navigation, which makes it an exception, according to the 1982 Convention on the Law of the Sea, from the median line rule, as we mentioned in subparagraph (c) above.

(e) The Security Council has no right, pursuant to its functions and powers under the Charter of the United Nations, to impose a boundary delimitation on a Member State, because, under international law, this sphere of competence is governed by the principle of agreement between the States concerned and because it has, with the precision legally required, no relation to questions of the maintenance of international peace and security that are the sphere of competence of the Council. Thus, the Council has acted *ultra vires*.

V. Iraq has spent billions of dollars over scores of years on excavation works, the extension, improvement and maintenance of the channels, main and secondary navigation lanes leading into and out of the Khawr Abdullah and the erection of maritime installations, ports and wharfs in the Khawr Abdullah area in order to ensure the flow of its overseas trade. The imposition of the boundary in the Khawr Abdullah area, as decided on by the Boundary Demarcation Commission, presents a grave threat to Iraq's right to enjoy freedom of access to the sea by exercising its historic right to unrestricted and safe navigation in the Khawr Abdullah area, to an extent that will, in the future, place it in the position of a landlocked State.

VI. Lastly, I should like, in closing, to reaffirm once again, our conclusion stated in the letter dated 21 May 1992 from the Minister for Foreign Affairs of the Republic of Iraq addressed to you [S/24044], because it still holds true, now more than at any previous time, regarding the overall outcome of the work of the Boundary Demarcation Commission and the recent unjust resolution adopted by the Council as resolution 833 (1993):

"it becomes clear to every impartial observer that the decisions adopted by the Commission ... represent a purely political decision imposed by the Powers dominating the Security Council [and the United Nations] at present, particularly the Governments of the United States and the United Kingdom.

"...

"[That] will constitute a very dangerous precedent, contrary in substance and consequences to the duties and

responsibilities entrusted to the Council by the Charter of the United Nations. ... it [the Council] will not have contributed to the preservation of security and stability in the region but will rather have consciously created a continuous hotbed of tension as well as deliberately violated the legitimate and vital interests of a State Member of the United Nations. If there were compelling circumstances which force the Iraqi authorities to take certain positions regarding this decision, the people of Iraq could never be convinced that its historical rights had been respected and its vital interests safeguarded by the Security Council in a manner compatible with the rules of international law and the criteria of justice and fairness. The Arab nation will continue to view this decision as one link in the chain of Western imperialist games which began after the First World War and which have always been the subject of indignation and rejection on the part of the Arab Nation, and which have caused many of the disturbances and changes witnessed in the Arab Nation. The situation which we witness today is not new to the world, and the world knows the outcome resulting from such instances."

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

DOCUMENT S/25906

Letter dated 8 June 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[8 June 1993]

I have the honour to address you on behalf of my Government with respect to the planned referendum by Croatian Serbs in the Krajina region of the Republic of Croatia.

My Government strongly condemns such plans as a blatant disregard for all norms of civilized behaviour. Belgrade surrogates, like those planning a referendum in Croatia, do not represent the views of local Serbs. Their action should be considered null and void by the international community. The Council should act firmly to express this view on behalf of the international community.

My Government further believes that the Council should condemn the plans of Croatian Serbs to merge the territories under UNPROFOR [United Nations Protection Force] control with the territories occupied by Serbs in the Republic of Bosnia and Herzegovina. The international community cannot condone what has become a mockery of the democratic process by Belgrade and their surrogates in Croatia and Bosnia and Herzegovina.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations*

DOCUMENT S/25907

**Letter dated 8 June 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

*[Original: English]
[8 June 1993]*

In accordance with instructions from my Government, I have the honour to address you with respect to the issue of monitors on the border between the Republic of Bosnia and Herzegovina and Serbia and Montenegro.

My Government strongly supports deployment of monitors along the border of Serbia and Montenegro as a matter of urgency. The monitors should be deployed all along the border and in such numbers and with such a mandate where they will have effective control of all traffic. Further, my Government would welcome deployment of monitors on Bosnia and Herzegovina side of the border.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations*

DOCUMENT S/25908

**Letter dated 5 June 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

*[Original: English]
[8 June 1993]*

On 5 June 1993 at 9.30 New York time, I received an urgent report from Gorazde. Despite the adoption of the most recent Security Council resolution 836 (1993) regarding the six towns designated as "safe areas", the Serbian aggressors continue their brutal attacks on Gorazde. The most severe offensive is being carried out from the direction of Visegrad. Hundreds of shells of different calibres are hitting the town and surrounding areas. The situation is especially alarming in the city hospital (or what is left of it), where only a few of the ill and wounded can receive minimal medical help. The hospital staff warns that it is impossible to carry out medical interventions. The hospital is lacking in all medicines, antiseptics, oxygen, food, water and oil.

The population is lacking food and drinking water. Chronic hunger and malnutrition help the spread of contagious

diseases. The town has not received a single relief convoy for over two months. Not a single United Nations observer has braved Serbian obstructions to enter and fulfil the Security Council's mandate.

If we are to take seriously the designation of Gorazde as a "safe area", we expect the Security Council to act in accordance with the adopted resolution and "deter attacks against safe areas". The least that we should expect is that United Nations mandated forces already in the Republic of Bosnia and Herzegovina would undertake "all measures necessary" to ensure the delivery of humanitarian aid in accordance with resolutions 770 (1992) and 836 (1993), and to investigate the overall situation. The fate of these people has been clearly now assumed by the Security Council at the insistence of its most powerful and able members. I, as the diplomatic representative of the Republic of Bosnia and Herzegovina, may be sceptical of this commitment. The people of Gorazde have no choice but to place their lives within the responsibility of the Security Council and its permanent members.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations*

DOCUMENT S/25909

**Letter dated 6 June 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

*[Original: English]
[8 June 1993]*

I regret having to inform you that despite the conclusions of Security Council resolution 836 (1993), Serbian attacks on the "safe area" of Gorazde continue with unabated intensity. The reports coming in from the area tell of constant shelling of Gorazde and a great number of casualties, 12 of whom were children. Food and medicine supplies are totally exhausted.

The Serbian aggressors keep ignoring and disregarding the decisions of the international community. Not a single relief convoy has yet been able to reach Gorazde. The United Nations observers are prevented by the aggressor forces to witness the horror the civilians of Gorazde are going through. The hopes of 70,000 people are turned to the Security Council where their destiny is going to be decided. They trust the Council to fulfil the commitment it has undertaken, in accordance with paragraphs 5 and 9 of the above-mentioned resolution.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations*

**Note verbale dated 1 June 1993 from the mission of
Ukraine to the Secretary-General**

[Original: English]
[8 June 1993]

The Permanent Mission of Ukraine to the United Nations presents its compliments to the Secretary-General and, with reference to his note dated 12 April 1993 soliciting views and proposals of Governments on the question of assistance to third countries that sustained economic losses arising from implementing mandatory sanctions under Chapter VII of the Charter of the United Nations, has the honour to submit the following comments of the Government of Ukraine.

The position of Ukraine in this regard was outlined in a letter from the President of Ukraine to the Secretary-General delivered by the Minister for Foreign Affairs of Ukraine on 23 March 1993, which was brought to the attention of the members of the Security Council. In that letter, it was emphasized, *inter alia*, that there was an urgent need to implement provisions of Article 50 of the Charter and to engage also the existing international mechanisms to mitigate suffering and prevent serious damage to third countries arising from sanctions.

It was stressed that sanctions should be implemented by all States, and economic losses therefore should be equitably shared among the developed Member States. In the view of the Government of Ukraine, the factor of economic losses resulting from the adherence to sanctions has to be taken into account when assessing contributions to the budget of the United Nations.

On 19 April 1993, the Permanent Representative of Ukraine to the United Nations transmitted to you, in accordance with Article 50 of the Charter, the text of the letter of the Minister for Foreign Affairs of Ukraine on this issue [see S/25630], which was circulated as a document of the Security Council. Furthermore, the Secretary-General circulated as document S/25636 the text of the Appeal by the employees of the Danube Shipping Company in connection with the grave economic problems arising from the carrying out by Ukraine of Security Council sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro).

The observations of Ukraine on this matter were also presented in the statement by the Minister for Foreign Affairs of Ukraine before the Committee established pursuant to Security Council resolution 724 (1991) of 15 December 1991 concerning Yugoslavia on 26 March 1993 and in the statement by the representative of Ukraine on 20 May 1993 in the Working Group of the Committee on Article 50 of the Charter.

In those interventions, the view was expressed that owing to its geographical situation Ukraine happened to be among those States which are charged by the Security Council with

the responsibility for monitoring sanctions on the river Danube, which entails additional economic burdens and requires allocation of its limited technical and financial resources to monitor effectively and to coordinate those activities with other countries. Ukraine believes that this particular factor should be duly taken into account when examining the measures that must be taken to insulate third countries from economic difficulties arising from sanctions.

In addition to the above and in view of the necessity of devising a mechanism of implementation of Article 50 of the Charter, Ukraine proposes the following measures:

(a) In parallel with the decision by the Security Council to impose or strengthen a sanctions regime against any Member State, it is necessary to foresee the creation of an adequate compensation mechanism for third countries sustaining economic losses. For example, establishment of the relevant sanctions committee should be automatically followed by the creation of a special compensation committee of the Security Council;

(b) A permanent or an ad hoc committee of the Security Council should be created in accordance with Article 50 with the mandate to consider, in the shortest time possible, applications from third countries on the question of assistance in solving their special economic problems arising from the carrying out of the preventive or enforcement measures taken by the Security Council. The competence of such a committee would include, *inter alia*:

- (i) Coordination and implementation, in cooperation with international organizations, of programmes regarding technical assistance to the countries, especially those entrusted with the responsibility of monitoring the implementation of sanctions;
- (ii) Coordination of humanitarian assistance to refugees and migrant persons as a result of the impact of sanctions;
- (iii) Recommendations to the Committee on Contributions regarding adjustments, for a fixed period of time, in the assessment rates of those countries monitoring the implementation of sanctions, and therefore experiencing grave economic difficulties;
- (iv) Elaboration, together with the relevant international and regional organizations and arrangements, of a list, as well as scope of trade preferences for each country concerned;
- (v) Recommendations regarding export quotas on goods and commodities;
- (vi) Holding of consultations with a view to lowering tariff barriers and removing restrictions on the trade of certain goods and commodities;

* Circulated under the double symbol A/47/962-S/25910.

- (vii) Elaboration, in cooperation with the International Monetary Fund and the World Bank, of programmes aimed at improving the financial situation of States that sustain economic damage;

(c) The establishment of an emergency fund to meet the claims of countries that have sustained losses, which would be financed on the basis of the scale of assessments for peace-keeping operations, as well as through voluntary contributions from Governments and private institutions;

(d) The establishment, following the modalities of the Compensation Fund created pursuant to Security Council resolution 687 (1991) of 3 April 1991, of an international insurance fund financed in accordance with the principle of the capacity to pay of individual States and with due regard to the level of responsibilities of States for maintenance of international peace and security;

(e) Imposition upon a State that committed unlawful actions of obligations partially to reimburse economic losses sustained by third countries;

(f) Creation of a task force to assess the economic situation in the regions and third countries that sustain economic damage arising from the carrying out of sanctions;

(g) Elaboration of an international methodology for calculating the losses of third countries arising from the implementation of sanctions.

The Permanent Mission of Ukraine to the United Nations requests that the present note be circulated as a document of the General Assembly and of the Security Council.

DOCUMENTS S/25912 AND ADD.1

Report of the Secretary-General on the United Nations operation in Cyprus for the period 1 December 1992 to 31 May 1993

DOCUMENT S/25912

[Original: English]
[9 June 1993]

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Map. "Deployment of the United Nations Peace-keeping Force in Cyprus, May 1993" (see end of volume).

INTRODUCTION

1. The present report on the United Nations operation in Cyprus covers developments from 1 December 1992 to 31 May 1993 and brings up to date the record of activities of the United Nations Peace-keeping Force in Cyprus (UNFICYP) and the Secretary-General's mission of good offices pursuant to Security Council resolution 186 (1964) of 4 March 1964 and subsequent Council resolutions concerning Cyprus. In its resolution 796 (1992) of 14 December 1992, the Security Council called upon all the parties concerned to continue to cooperate with UNFICYP on the basis of the present mission of good offices and to keep the Security Council informed of the progress made.

I. MANDATE AND COMPOSITION OF THE UNITED NATIONS PEACE-KEEPING FORCE IN CYPRUS

2. The functions of UNFICYP were originally defined by the Security Council in its resolution 186 (1964) in the following terms:

"In the interest of preserving international peace and security, to use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions."

That mandate, which was conceived in the context of the confrontation between the Greek Cypriot and Turkish Cypriot communities in 1964, has been repeatedly reaffirmed by the Council, most recently in its resolution 796 (1992). In connection with the events that have occurred since 15 July 1974, the Council has adopted a number of resolutions, some of which required the Force to perform certain additional or modified functions relating, in particular, to the maintenance of the cease-fire [see S/14275 and footnote 57 thereof]

3. The following table shows the composition of UNFICYP as at 31 May 1993:

<i>Military personnel</i>			Sweden	18	38
Austria	HQ UNFICYP	7		Total UNFICYP	<u>1508</u>
	Infantry battalion, UNAB	331			
	Military police element	2	347	4. The deployment of the Force remains, at the time of writing, as described in paragraphs 3 and 4 of my report to the Security Council of 30 March 1993 [S/25492].	
Canada	HQ UNFICYP	6			
	HQ CANCON	9		5. During the period under review, UNFICYP suffered three accidental fatalities. This brings the total number of fatalities to 164 since the inception of the Force in 1964.	
	The Second Regiment of The Royal Canadian Horse Artillery	489		6. Mr. Oscar Camilión, my Special Representative in Cyprus, left the island on 19 March 1993, having led the Good Offices Mission since late 1987 on behalf of my predecessor and myself. On 1 April 1993, I appointed Mr. Gustave Feissel as my Deputy Special Representative, resident in Cyprus. On 21 May I appointed Mr. Joe Clark as my Special Representative for Cyprus. The Force remained under the command of Major-General Michael F. Minehane.	
	Military police element	10	514		
Denmark	HQ UNFICYP	4	4		
Finland	HQ UNFICYP	2			
	Military police element	1	3		
Ireland	HQ UNFICYP	6		II. RELATIONS WITH THE PARTIES	
	Military police element	2	8	7. UNFICYP maintained close liaison and cooperation at all levels with the two sides in order to carry out its tasks effectively. The Force had freedom of movement in the southern part of the island, except for restricted military installations. Regarding movement in the north of the island, the guidelines established in 1983 [see S/15812, para. 14] and subsequently improved in practice continued to be applied, although UNFICYP experienced frequent difficulties. Efforts to increase UNFICYP's freedom of movement in the northern part of the island remained unsuccessful despite direct discussions with all concerned and assurances given to UNFICYP that a positive response would be forthcoming in the near future.	
Sweden	HQ UNFICYP	4			
	Military police element	3	7		
United Kingdom of Great Britain and Northern Ireland	HQ UNFICYP	19			
	HQ BRITCON	7			
	The Queen's Royal Irish Hussars	339			
	UNFICYP support regiment HQ	42		8. During the period under review, UNFICYP patrols continued to encounter interference when approaching or entering the buffer zone or when operating in some areas of the buffer zone that are not frequently patrolled. During the past six months there continued to be a number of incidents on both sides when weapons were cocked and pointed at UNFICYP personnel patrolling in the buffer zone. UNFICYP continued to make strong representations to the authorities on both sides, emphasizing the dangers of such actions while reiterating UNFICYP's right to complete access to, and freedom of movement in, all parts of the buffer zone.	
	Royal engineer detachment	8			
	Signal troop	25			
	Army aviation flight	19			
	Transport troop	80			
	Medical centre	5			
	Supply detachment	6			
	Workshops	30			
	Military police element	7	587	9. UNFICYP continued to work with humanitarian agencies on both sides to ensure that agreements and arrangements for the care of the members of various communities were followed. While cooperation with involved civilian authorities of both sides proved productive, the Turkish Cypriot side impeded this work by preventing certain individuals from access to and egress from the north. Such action inhibits UNFICYP's ability to carry out these established and important humanitarian responsibilities.	
<i>Civilian police</i>					
Australia		20			

III. FUNCTIONS OF THE FORCE

A. Maintenance of the cease-fire and the status quo

10. The cease-fire lines extend approximately 180 kilometres from the Kokkina enclave and Kato Pyrgos on the north-west coast to the east coast south of Famagusta in the area of Dherinia. The area between the lines is known as the United Nations buffer zone. Its width varies from 20 metres to 7 kilometres, and it covers about 3 per cent of the island, including some of the most valuable agricultural land.
11. UNFICYP keeps the United Nations buffer zone under constant surveillance through a system of 151 observation posts, of which 37 are permanently manned, with the remainder visited daily. Mobile and standing patrols are also employed, especially in sensitive areas. High-powered binoculars and night-vision devices are used to monitor the cease-fire lines on a continuous basis.
12. The UNFICYP patrol track runs the length of the United Nations buffer zone, and is essential to the ability of the Force to monitor the cease-fire lines, supervise civilian activities in the buffer zone, resupply observation posts and react promptly to incidents. British Royal Engineers maintain this track.
13. In May 1992 I reported that UNFICYP had agreed to permit the National Guard to clear mines from an area of the buffer zone, on the understanding that the land would be designated for farming, and that despite strong protests from UNFICYP the National Guard had subsequently relaid the minefield [see S/24050]. I also reported that the Government of Cyprus had agreed to remove the mines in question. During the period under review, the Government's commitment in this regard has not been fulfilled.
14. The number of cease-fire violations decreased slightly in the past six months, and both sides continued to demonstrate restraint and discipline in this respect. Most of the reported shooting incidents were accounted for as accidental discharges of weapons by soldiers on both sides or attributed to unannounced range practices. On 8 April, however, a member of the National Guard who had entered the United Nations buffer zone at Nicosia was shot dead by a member of the Turkish Cypriot Security Force. Following this incident, during the night of 11 April 1993, in the area west of Dherinia, a Turkish Forces observation post permanently manned by the Turkish Cypriot Security Forces, was fired upon and hit three times. The shots are believed to have come from within the buffer zone. These incidents led to an increase in tension, especially in the Nicosia area, for approximately one week. Both sides cooperated with UNFICYP's investigations. UNFICYP was in a position to take firm and prompt action during and after both incidents, thus alleviating the possibility of more serious military and political repercussions.
15. The 1989 agreement concerning the unmanning of certain positions at Nicosia continued to hold, with only a few minor violations by both sides. I have requested the Force Commander to continue discussions to extend the agreement to all areas of the buffer zone where the troops of both sides remain in close proximity to each other. Discussions are proceeding with each side on this subject, but need to be accelerated. I trust that each side will cooperate fully in this regard.
16. During the period under review, there was an increase in the number of air violations, with 30 overflights of the buffer zone by Turkish forces aircraft and 7 by National Guard aircraft. In addition, there were 53 overflights from the north and 5 from the south by civilian aircraft and 9 overflights by the Cyprus Police Airwing. Civilian or military aircraft of other countries accounted for a further 10 overflights. These violations continue to create tension and increase the risk of serious incidents. All overflights were protested.
17. During the period under review, the National Guard continued its programme of construction all along its cease-fire line. This remained a contentious issue, which at times caused an increase in tension. On three occasions UNFICYP strongly protested work on positions that were clearly in the buffer zone and, therefore, constituted a cease-fire violation. The National Guard often refused to cooperate in UNFICYP's investigations and were reluctant to allow inspections of their positions.
18. There were no incidents in the fenced area of Varosha. UNFICYP continued to monitor the area closely to ensure that the status quo was maintained. However, UNFICYP's freedom of movement within the area continued to be restricted. As has been previously stated in my reports to the Security Council, the United Nations considers the Government of Turkey responsible for maintaining the status quo in the fenced area of Varosha [see S/18880, para. 28]. This position has been reiterated to the Turkish and Turkish Cypriot authorities on numerous occasions.
19. Despite UNFICYP's continued representations, Greek Cypriot tourist and fishing boats continued to violate the seaward extensions of the cease-fire lines known as the maritime security lines, which were established by UNFICYP as a practical measure for security and safety purposes in the vicinity of Kokkina and Famagusta [see S/17657, para. 19]. These violations raise tension and are potentially dangerous for the individuals concerned. I would therefore urge restraint by all parties and request that the proper authorities assist UNFICYP in supporting this practical and necessary measure.
20. As noted in paragraph 21 of my report of 1 December 1992 [S/24917], threats to safety and security arose as a result of hunting by Greek Cypriots in certain areas of the buffer zone during the 1992 hunting season. Following UNFICYP representations, the Government supported a ban on such hunting. None the less, in the Kambos area of the buffer zone, 137 violations were recorded in the month of December. UNFICYP was obliged to commit increasingly scarce military and civilian police personnel in order to preserve the integrity of the buffer zone. With safety and security concerns paramount, I expect the Government to assist in enforcing a ban on all hunting in the buffer zone.

21. Two significant encroachments into the buffer zone by Greek Cypriot civilians occurred during this reporting period. On 1 March 1993, up to 750 Greek Cypriot civilians entered a widely dispersed area of the buffer zone to picnic in celebration of the Green Monday holiday. The Turkish Forces responded by manning all their positions in the corresponding areas. On 9 April 1993, approximately 150 demonstrators forced their way through the South Ledra crossing, advancing very close to the Turkish Forces cease-fire line. They were eventually escorted out of the buffer zone by UNFICYP. In both cases, UNFICYP stressed the potential for serious incidents developing from unauthorized civilian activity within the buffer zone.

22. Each side again expressed its concern about the strength of the military forces on the other side. For my own part, I remain very concerned about the strength and development of the military forces on both sides. This situation creates tension and carries the risk of serious incidents. As I recommended in paragraph 63 of my report of 19 November 1992 [S/24830] the Turkish Forces on the island should be reduced to their level of a decade ago and this should be reciprocated by a suspension of weapons acquisition programmes on the Greek Cypriot side.

23. The Government of Cyprus complained again to the United Nations about the changing of place names and the distribution of land and title deeds to non-Cypriots and Turkish Cypriots in the northern part of the island. I have instructed UNFICYP to raise these matters with the Turkish Cypriot authorities.

B. Restoration of normal conditions and humanitarian functions

24. As part of its efforts to promote a return to normal conditions, UNFICYP has for many years worked with technical authorities and agencies of both parties to facilitate humanitarian activities. It has used its "good offices" to sponsor bicomunal contacts and encouraged authorities to cooperate in restoring normal conditions for members of both communities. Some successes have been achieved; however, imminent changes in UNFICYP will constrain its ability to undertake some of these labour-intensive activities. In line with my reports of 19 November and 1 December 1992 and resolution 789 (1992), I strongly urge the parties to increase their own efforts to cooperate in managing essential humanitarian services and actively promoting people-to-people contact.

25. Water reserves on the island are satisfactory, with above normal winter rainfall replenishing stocks that will ensure supplies throughout 1993. Water authorities continue to honour bicomunal understandings on water distribution and cooperate on the repair of the infrastructure. UNFICYP has continued to make representations for bicomunal cooperation to prevent the deterioration of the Morphou aquifer; however, to date no significant progress has been made.

26. The number of Greek Cypriots in the northern part of the island is now 534, of whom 531 live in the Karpas

peninsula and the remaining 3 in Kyrenia. UNFICYP continued to provide them with humanitarian support, delivering foodstuffs and other supplies provided by the Government of Cyprus and the Cyprus Red Cross. The Turkish Cypriot authorities applied unevenly a levy of customs duty on some supplies. Such action is contrary to the effort that all concerned should be undertaking to overcome mutual mistrust and to build mutual confidence.

27. Over the past three years, Turkish Cypriot authorities have insisted on vetting school texts destined for Greek Cypriot schools in the Karpas, claiming that they contained material considered offensive and inaccurate. Delivery of such books has thus been delayed and the schooling of the children concerned adversely affected. It is most important that relevant agencies on the Greek Cypriot side convey these texts to UNFICYP in a timely manner and that the authorities on the Turkish Cypriot side facilitate their expeditious delivery, in the present instance in time for the opening of the 1993/94 school year.

28. UNFICYP continued to interview Greek Cypriots who applied for "permanent transfer" to the southern part of the island in order to verify that the transfer was voluntary. Four such transfers took place during the reporting period. UNFICYP also facilitated 795 visits by Greek Cypriots from the Karpas to the southern part of the island.

29. UNFICYP continued periodic visits to Turkish Cypriots living in the southern part of the island and assisted in arranging family reunion visits for Turkish Cypriots at the Ledra Palace hotel. Based on statistical evidence, it is apparent that Turkish Cypriot authorities gave preference to requests for family meetings and temporary transfers that originated in the north.

30. The number of Maronites living in the northern part of the island has continued to decline and is now 207. UNFICYP continued to help them to contact Maronites living elsewhere on the island and delivered to them foodstuffs and other supplies provided by the Cyprus Government.

31. UNFICYP continued to provide emergency medical services, including medical evacuation to civilian members of both communities resident in the north. When the need arose, UNFICYP delivered medicines through the Red Cross to members of the Turkish Cypriot community.

32. Since 1974, UNFICYP has provided essential support to the Cyprus Red Cross in order to assist disadvantaged members of both communities. Following December 1992 staffing reductions, UNFICYP requested that Red Cross officials of both sides work towards reassuming these responsibilities. In order to serve the humanitarian needs of all Cypriots, I urge both branches of the Cyprus Red Cross to work towards quickly assuming responsibility for these vital services.

33. The mixed village of Pyla, located in the buffer zone, remained a major preoccupation for UNFICYP. The Force actively assisted the two mukhtars to exercise the full range of

their responsibilities and, on a strictly humanitarian basis, facilitated practical solutions to various controversial issues.

34. The Cyprus police control point on the Larnaca-Pyla road, south of the buffer zone, continued to block the flow of tourists and other visitors to Pyla, thus severely disrupting the village's economy. Accordingly, UNFICYP has on a continuing basis requested that this obstacle be removed.

35. Concerning telephone communications, UNFICYP pursued discussions with the parties in order to expand direct communications between Turkish Cypriot residents of Pyla and the north. For their part, Turkish Cypriot authorities promised to facilitate telephone services to Greek Cypriots living in the Karpas and to Maronites living in the Kormakiti area. UNFICYP continues to promote these important humanitarian projects.

36. Following representations from UNFICYP, Turkish Cypriot authorities allowed Greek Cypriots and Maronites resident in the north unrestricted travel to the south to vote in the two recent rounds of presidential elections.

37. During the period under review, the focus of the Office of the United Nations High Commissioner for Refugees in Cyprus was promotion of bicomunal cooperation through humanitarian projects and establishment of networks in related areas among the present 17 areas of bicomunal activities. This aimed at achieving an integrated approach to common concerns identified by Greek Cypriot and Turkish Cypriot bicomunal teams. As a result of continuing bicomunal direct service activities and research, emphasis was put on preventive activities in public education campaigns throughout all of Cyprus (e.g. non-smoking community education programme with various media). Feasibility studies for a multipurpose youth centre, a home for elderly people, a reference/borrowing library, and a community health unit are under way as possible new areas of bicomunal cooperation.

38. The United Nations Development Programme (UNDP), as coordinator of the United Nations system's operational activities for development, increased planning activities for future bicomunal projects working in harmony with United Nations specialized agencies, including the Food and Agriculture Organization of the United Nations, the International Labour Organisation and the World Health Organization. Under the Nicosia Master Plan project, joint bicomunal working meetings continued to take place on a weekly basis under the chairmanship of the UNDP Resident Representative. UNDP continued to provide logistic support for the smooth operation and maintenance of the Nicosia Sewage Treatment Plant.

IV. COMMITTEE ON MISSING PERSONS

39. During the period under review the Committee on Missing Persons in Cyprus held 5 sessions (sixty-seventh to seventy-first), consisting of 20 meetings of which 15 were attended by the 3 members of the Committee and their assistants and 5 were attended solely by the 3 members.

40. The Committee continued its discussions on reports by both sides and its investigations in the cases that have been submitted to it so far.

V. FINANCIAL ASPECTS

41. In accordance with paragraph 4 of Security Council resolution 831 (1993) of 27 May 1993, those costs of the Force which are not covered by voluntary contributions should be treated as expenses of the Organization under Article 17, paragraph 2, of the Charter of the United Nations. By a letter dated 15 April 1993 addressed to the Secretariat, the Permanent Representative of Cyprus conveyed his Government's offer to contribute, on a continuing basis, one third of the annual cost of UNFICYP [S/25647]. In a subsequent letter dated 10 May, the Permanent Representative of Cyprus informed me that his Government's voluntary contribution to UNFICYP for the 12-month period beginning 15 June 1993 would be increased to \$18.5 million. In addition, the Permanent Representative of Greece has informed me of his Government's decision to increase its voluntary annual contribution to UNFICYP to \$6.5 million when the Force's financing system is converted to assessed contributions. Therefore, some \$25 million is expected from voluntary contributions towards the estimated annual cost of UNFICYP.

42. The cost to the United Nations of maintaining UNFICYP for a further period of six months beyond 15 June 1993, should the Security Council decide to extend the mandate of the Force, is estimated at \$22.5 million. Of this amount, some \$12.5 million, representing more than 50 per cent of the cost, is expected to be financed from voluntary contributions.

43. The remaining resources needed for maintaining UNFICYP for a six-month period beyond 15 June 1993, currently estimated at \$10 million, will be sought from the General Assembly at its forty-seventh session. In addition, it would be my recommendation to the General Assembly, should the Security Council decide to extend the mandate of UNFICYP, that the assessment to be levied on Member States be credited to a Special Account to be established for this purpose.

44. Previously, UNFICYP was funded entirely from voluntary contributions from Governments and there is presently an accumulated deficit in respect of its operation of some \$200 million from the inception of the Force to the end of the current mandate period.

VI. GOOD OFFICES OF THE SECRETARY-GENERAL

45. On 30 March 1993, I met jointly in New York with the leaders of the two communities in Cyprus. The Security Council had asked me beforehand in its presidential statement of 26 March [S/25478] to report on the outcome of that joint meeting. This I did by way of a letter that I addressed on 2 April to the President of the Security Council [S/25517]. I informed the Council, *inter alia*, that the two leaders had agreed to resume joint negotiations in New York on 24 May

1993. I will report further to the Council in due course on the latter negotiations.

VII. OBSERVATIONS

46. On 27 May 1993 the Security Council adopted resolution 831 (1993) in which, *inter alia*, the Council decided that, "with effect from the next extension of the mandate of the Force on or before 15 June 1993, those costs of the Force which are not covered by voluntary contributions should be treated as expenses of the United Nations under Article 17, paragraph 2, of the Charter of the United Nations". This is a landmark decision for UNFICYP, not only because it assures financial stability for the Force but also because it acknowledges the importance of voluntary contributions for some peace-keeping operations, particularly from the beneficiaries of longer-term operations. This decision will put the financing of UNFICYP on an equitable and sound basis, which should resolve the difficulties the Force has experienced in retaining troop contributors. I am now pursuing identification of a new troop contributor to replace the Canadian contingent, which is scheduled to depart from Cyprus soon after the end of the present mandate period. The deployment of this 350-member battalion from a new troop-contributing country is now urgently required.

47. Security Council resolution 831 (1993) also endorses the restructuring plan proposed in paragraphs 16 to 19 of my report of 30 March 1993 [S/25492], with the addition of a limited number of observers for reconnaissance and with a view to further restructuring of the Force in light of a comprehensive reassessment of UNFICYP at the time of the consideration of the Force's mandate in December 1993.

48. The restructuring of UNFICYP following successive reductions in strength has major implications for the two parties. Greater responsibility rests with them for ensuring that there is no increase in tension in Cyprus and that conditions can be maintained for a speedy overall agreement as envisaged by the Security Council. It is imperative that the two sides exercise maximum restraint and, in accordance with the proposed package of confidence-building measures, extend without delay the 1989 unarming agreement to all parts of the buffer zone where their forces remain in close proximity to each other. I take this opportunity to urge both sides to take reciprocal measures to lower the tension, including mutual commitments, through UNFICYP, not to deploy along the cease-fire lines live ammunition or weapons other than those which are hand-held and to prohibit firing of weapons within sight or hearing of the buffer zone. It is also necessary for the two sides to work together so that their own agencies can resume the humanitarian functions which, in its efforts to restore normal conditions, UNFICYP has assumed over the years.

49. The mixed village of Pyla continues to be of particular concern. The authorities on both sides have been made aware

of my anxiety about the situation there and my view that the bicomunal nature of the village demands special cooperation and understanding by both sides. The Greek Cypriot and Turkish Cypriot mukhtars must be allowed to work together without outside interference so that they can exercise the full range of their responsibilities in village affairs. I appeal again to both sides to refrain from interfering in local activities in Pyla.

50. In the prevailing circumstances, I believe that the continued presence of the Force on the island remains indispensable to achieve the objectives set by the Security Council. I therefore recommend that the Council extend the mandate of UNFICYP for a further six-month period, that is until 15 December 1993. In accordance with established practice, I have undertaken consultations on this matter with the parties concerned and I will report to the Council on these consultations as soon as they have been completed.

51. I take this opportunity to express my appreciation to the Governments contributing troops and civilian police to UNFICYP for the steadfast support that they have given to this important peace-keeping operation of the United Nations. I also wish to thank the Governments that have made voluntary contributions towards the financing of the Force and new pledges towards its financing in the future.

52. In conclusion, I wish to pay a tribute to my former Special Representative, Mr. Oscar Camilión, to my Special Representative, Mr. Joe Clark and my Deputy Special Representative, Mr. Gustave Feissel, as well as to the Force Commander, Major-General Michael Minehane, and the military and civilian personnel of UNFICYP, who have continued to discharge with efficiency and dedication the important and difficult responsibilities entrusted to them by the Security Council.

DOCUMENT S/25912/ADD.1

[Original: English]
[10 June 1993]

In paragraph 50 of the first part of the present report in document S/25912 above, I recommended that the Security Council extend the mandate of the United Nations Peace-keeping Force in Cyprus (UNFICYP) for a further period of six months and I indicated that I would report to the Council on my consultations with the parties concerned on the matter. I wish to inform the Council that the Government of Cyprus as well as the Governments of Greece and the United Kingdom of Great Britain and Northern Ireland have indicated their concurrence with the proposed extension. The Government of Turkey has indicated that it concurs with and supports the position of the Turkish Cypriot side, as expressed in previous meetings of the Security Council on the extension of the mandate of UNFICYP.

DOCUMENT S/25913

Report of the Secretary-General on the conduct and results of the elections in Cambodia

[Original: English]
[10 June 1993]

1. By paragraph 16 of its resolution 826 (1993), the Security Council requested me to report promptly to the Council on the holding and results of the election in Cambodia, including on the conduct of the parties as regards their obligations under the Paris agreements [S/23177, *annex*] and, if necessary, to recommend any initiative and/or measures conducive to ensuring their full respect by all parties. By paragraph 2 of resolution 835 (1993), the Council invited me to make my report on the elections available as soon as possible. The present report is submitted in accordance with those requests.

2. The elections were held as scheduled from 23 to 28 May 1993 in all 21 provinces in Cambodia. Between 23 and 25 May, some 1,400 large, medium and small fixed polling stations were operating, as well as 200 mobile teams in remote or difficult country. The mobile teams operated for the entire six-day period, while on 26 May some of the fixed stations were converted to mobile operation and worked as mobile teams on 27 and 28 May. Polling took place from 0800 to 1600 hours each day, but was extended on the final day to accommodate the remaining voters. Aside from a few incidents, described below, polling was conducted in a peaceful and often festive atmosphere, with voters sometimes walking several miles to cast their ballots, apparently undaunted by threats of violence or banditry, rough terrain or the heavy rain that swept much of the country. As indicated in my report issued in pursuance of paragraph 6 of Security Council resolution 810 (1993) [S/25784], the UNTAC [United Nations Transitional Authority in Cambodia] Military and Civilian Police components ensured tight security for the poll throughout.

3. The polling was generally peaceful and no significant disruption occurred. There were, however, a few scattered incidents of violence. A Cambodian civilian was killed on the first day of polling when several mortar rounds were fired in Kompong Cham Province, and the polling station in the vicinity was temporarily closed. Other polling stations were closed for short periods during the polling period for security reasons, but many continued operating even when shelling occurred nearby. In Kampot Province, polling was temporarily suspended in one district when armed men intruded into a polling station and stole items of equipment. Polling later resumed. In Sot Nikum District, Siem Reap Province, a mobile polling station was attacked by armed men. A Bangladeshi member of the Military Component was wounded and two voters and a third Cambodian were also injured.

4. In some parts of the country evidence emerged that elements of the National Army of Democratic Kampuchea (NADK) were preventing voters from going to the polls, but at Poipet, Banteay Meanchey Province, about 200 unarmed

NADK soldiers voted. In the same province, several hundred family members of NADK soldiers also voted in Thmar Puok, Banthey Thma and Phum Ampil villages, as did soldiers and civilians from NADK-controlled areas around the enclave of Sok San in Battambang Province.

5. The turnout of voters was impressive. A total of 4,267,192 voters, representing 89.56 per cent of the registered voters, turned out to vote. About 7 per cent of the ballots were cast in the form of tendered ballots, mainly by voters voting outside the province in which they had registered. About 46 per cent of registered voters, or 2.2 million, voted on the first day, the largest voter turnout on any single day.

6. Three of the four Cambodian parties signatories to the Paris agreements - the Party of the State of Cambodia (SOC) (through the Cambodian People's Party (CPP)), the Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC) and the Khmer People's National Liberation Front/Buddhist Liberal Democratic Party (KPNLF/BLDP) - took part in the electoral process. The three participating parties complied fully with the electoral law and all availed themselves of their legal right to post agents at polling stations to scrutinize the balloting.

7. The fourth Cambodian signatory party, the Party of Democratic Kampuchea (PDK), failed to register as a political party, took no part in the election and threatened to disrupt it with violence. As noted above, however, no significant disruption took place.

8. At a meeting of the Supreme National Council, convened on 29 May 1993, the day after the final day of polling, to review the polling process, my Special Representative declared on my behalf and on behalf of the United Nations that, in view of the very high turnout throughout the country, the absence of violence or disruption during the polling, the success of the technical conduct of the poll and the calm and peaceful atmosphere that reigned throughout the polling period, the conduct of the poll had been free and fair. The text of my Special Representative's statement has been issued as an annex to document S/25879. The counting of the ballots began on the morning of 29 May 1993.

9. At the Supreme National Council meeting of 29 May, Mr. Hun Sen, Vice-President of CPP, issued a statement expressing his satisfaction and warm congratulations for the "excellent" result of the electoral process. The statement said it had been achieved "thanks to a political climate conducive to an environment free from coercion, intimidation or fear, thus allowing the overwhelming majority of the population from everywhere to come to cast their vote with confidence and enthusiasm, to determine their own destiny, absolutely wishing for peace, and to unite and dedicate themselves to build a new Cambodia". The statement noted that CPP had submitted observations to UNTAC on the implementation of technical aspects of the electoral process and that the party was awaiting the election results in the hope that the counting of the votes would proceed in strict conditions which would allow all parties to accept the results.

10. Subsequently, CPP has raised a number of objections over alleged irregularities in the polling and counting process. These are based on the claims that party agents were not able to inspect the "safe havens" where ballot boxes were stored overnight; the rupture of some plastic seals used to seal the ballot boxes overnight; the efficacy of the indelible ink; the alleged partiality of some locally recruited Cambodian polling staff and alleged discrepancies in the numbers of ballot papers in the boxes. CPP leaders have also alleged fraud. My Special Representative has requested CPP to furnish UNTAC with all the necessary details to enable a full investigation to be carried out, but no additional details have yet been forthcoming. In some cases, where specific complaints have been made and details provided, investigations have been conducted on the spot to the complete satisfaction of party agents.

11. Because of the need to ensure accuracy and transparency, counting proceeded rather more slowly than anticipated. In view of this, UNTAC had been releasing the interim figures of the vote count twice a day. CPP, citing "mistakes" in the figures, has requested UNTAC to discontinue this procedure, but UNTAC rejected the request. The regular release of the figures was intended to promote the maximum transparency of the process, especially since the figures, being available to the political party agents present at the count, were in the public domain.

12. CPP also requested UNTAC to hold new elections in seven provinces, including the capital, Phnom Penh. UNTAC has declined to do so until and unless CPP can produce convincing evidence of irregularities and fraud on such a scale as to invalidate the poll. CPP has not presented such evidence.

13. The count of ordinary and tendered ballots is now complete. The 4,011,631 valid ballots counted indicate that FUNCINPEC has won 1,824,188 votes, or 45.47 per cent of the votes to CPP's 1,533,471 votes, or 38.23 per cent. BLDP has won 152,764 votes, or 3.81 per cent. The number of votes cast for each party and the percentage of total votes won are contained in annex I. The number of seats won in the Constituent Assembly was 58 for FUNCINPEC, 51 for CPP, 10 for BLDP and 1 for MOLINAKA [*Molinaka and Naktasorsou Khmere for Freedom*].

14. Accordingly, I authorized my Special Representative to issue, at a meeting of the Supreme National Council, held on 10 June and presided by His Royal Highness Prince Norodom Sihanouk, a statement declaring, on my behalf and on behalf of the United Nations, that the election as a whole had been free and fair. The text of that statement is reproduced in annex II.

15. It gives me deep satisfaction to support my Special Representative's determination that the election in Cambodia was free and fair. I pay tribute to the courage and commitment to the peace process demonstrated by the Cambodian people. I urge all parties to respect and accept the results of the election and to resolve any disputes they may have through the agreed channels. UNTAC will give the Constituent Assembly, which will soon commence its work, full support in the process of drawing up a constitution and establishing a new

Government for all Cambodia. I am also confident that the international community will continue to support efforts to promote national reconciliation and peace-building.

16. In concluding, I wish to pay warm tribute to my Special Representative, Mr. Yasushi Akashi, and to all civilian and military personnel of UNTAC for their dedication and steadfastness in this complex mission under extraordinarily difficult and often dangerous conditions. I also wish to acknowledge the contribution of the United Nations and independent election monitors, members of United Nations agencies and non-governmental organizations, who have supported this important endeavour in Cambodia.

ANNEX I

Number and percentage of votes won by parties

	Number of votes	Percentage of votes
CPP	1 533 471	38.23
RCP	27 680	0.69
FDRP	20 425	0.51
KNP	48 113	1.20
RSN	14 569	0.36
NDPC	24 394	0.61
PD	41 799	1.04
CFID	37 474	0.93
BLDP	152 764	3.81
LRP	29 738	0.74
FUNCINPEC	1 824 188	45.47
CRP	28 071	0.70
ADD	13 914	0.35
NKP	7 827	0.20
FRP	31 348	0.78
KFLD	20 776	0.52
MOLINAKA	55 107	1.37
LDP	62 698	1.56
REDEK	11 524	0.29
KNCP	25 751	0.64
Total	4 011 631	

Notes

No.	Name of Political Party	Acronym
1	Cambodian People's Party	CPP
2	Republican Coalition Party	RCP
3	Free Development Republican Party	FDRP
4	Khmer Neutral Party	KNP
5	Reassemblément pour la solidarité nationale	RSN
6	Neutral Democratic Party of Cambodia	NDPC
7	Parti démocrate	PD
8	Cambodian Free Independent Democracy Party	CFID
9	Buddhist Liberal Democratic Party (grandfather Son Sann)	BLDP
10	Liberal Reconciliation Party	LRP
11	Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif	FUNCINPEC
12	Cambodge-Renaissance Party	CRP
13	Action for Democracy and Development Party	ADD
14	Nationalist Khmer Party	NKP
15	Free Republican Party	FRP
16	Khmer Farmer Liberal Democracy	KFLD
17	Molinaka and Naktaorsou Khmere for Freedom	MOLINAKA
18	Liberal Democratic Party	LDP

19	Republic Democracy Khmer Party	REDEK
20	Khmer National Congress Party	KNCP

ANNEX II

Statement by the Special Representative of the Secretary-General on the freeness and fairness of the Cambodian elections

The counting of all votes in the Cambodian election is now complete, and a statement of the final figures for each province, indicating the percentage won by each party, is now being circulated. As you can see, the overwhelming majority of votes were cast for the two largest parties. A total of 3,767,412 ordinary valid ballots and 244,219 valid tendered ballots were counted, that is, 4,011,631 ballots altogether. Nationwide, the Front uni national pour un Cambodge indépendant, neutre, pacifique et coopératif (FUNCINPEC) won 45.47 per cent of the votes, the Cambodian People's Party (CPP) won 38.23 per cent, the Buddhist Liberal Democratic Party (BLDP) won 3.81 per cent, and the other 17 parties won the remainder.

The counting proceeded more slowly than anticipated, largely owing to the need to ensure absolute accuracy and transparency under the scrutiny of political party agents. This has involved a very careful process of verification.

We have also been engaged in detailed discussions with CPP, which has alleged that the election was marked by irregularities and fraud. UNTAC [United Nations Transitional Authority in Cambodia] is fully prepared to investigate any and all allegations of irregularity, and has asked CPP for details to support those allegations. Where details have been provided, the allegations have been investigated and responded to. My associates and I have been engaged in detailed correspondence with Mr. Chea Sim, and I have listed in detail all the measures UNTAC has taken to rectify anomalies of which we were aware. Nevertheless, we are committed to continuing our own thorough and objective inquiry into any complaints until they are dealt with. We have also made it clear that the alleged irregularities do not amount to fraud and that none of CPP's allegations, even if true, would affect the outcome. Moreover, UNTAC firmly rejects any suggestion that its own actions were not impartial. The election was free and fair and the Cambodian parties must accept and respect its results in keeping with their commitments under the Paris agreements.

I will now bring to the attention of the Supreme National Council Security Council resolution 835 (1993), which was adopted unanimously on 2 June 1993. That resolution calls upon all parties to stand by their obligation to respect fully the results of the elections and urges them to do all in their power to bring about the peaceful establishment of a democratic government in accordance with the terms of the new Constitution.

Accordingly, I am now prepared to announce, on behalf of the Secretary-General and of the United Nations, that this latest phase of the election process has been performed in a free and fair manner. The results I have just announced fairly and accurately reflect the will of the Cambodian people and must be respected.

I now wish to make a statement about the freeness and fairness of the election as a whole.

**Letter dated 8 June 1993 from the representative of Iraq
to the Secretary-General***(Original: Arabic)*
[9 June 1993]

In doing so, I must draw particular attention to the political environment and the human rights situation prior to the poll. As I have stated on numerous occasions, we were not satisfied that a neutral political environment in which respect for basic human rights was assured was fully in place in Cambodia prior to the campaign period. I have published details of political violence, intimidation and harassment both in the months immediately preceding the campaign and in earlier months. I have brought these matters to the attention of His Royal Highness Prince Norodom Sihanouk and of all the members of the Supreme National Council. We have also been concerned that there has not been sufficient effort by the authorities, in all zones of Cambodia, to bring the perpetrators to justice. The acts of violence have continued since the election. In addition, I have complained about a pattern of low-level intimidation throughout the country.

Clearly, efforts must continue by all concerned before a society is realized in Cambodia which is governed by the rule of law, in which basic human rights and fundamental freedoms are respected. The international community will continue to support the Cambodian leadership in this endeavour.

Another threat to the election came from the Cambodian party which refused to participate in the polling, and which threatened to disrupt it with violence. We take great satisfaction in the fact that, contrary to our concern, little violence marred the election.

Despite these threats and risks, UNTAC pressed ahead with preparations for the elections in the firm belief that the Cambodian people wanted an election. The Cambodian people, by coming forth in their millions in a festive atmosphere of joy and hope for the future, made the election free and fair by their own courage and determination. They knew that their vote was secret and they voted for the parties of their choice.

The Cambodian people are the true winners of this election. I wish to pay tribute to them, as well as to all 20 political parties, which played an important role in this democratic process. FUNCINPEC and CPP, which between them received the overwhelming majority of the votes, will have an especially vital role to play. Despite its natural disappointment, CPP should be aware that, in an election which all observers have declared free and fair, a large proportion of Cambodians have indicated that the party must continue to play a vital and constructive role in the country's future commensurate with the significant level of popular support it has won.

FUNCINPEC, too, has reason for pride. Its leaders and its party workers stayed the course despite a campaign of violence and intimidation directed against them almost from the time they were permitted to open offices in the SOC zone. Undaunted, they persisted in putting their case to the people and were never tempted to meet violence with violence. They deserve to be commended for their success.

BLDP, too, will have an important contribution to make to the ongoing process. These Cambodian parties, under the overall leadership and far-sighted wisdom and unexcelled guidance of His Royal Highness Prince Norodom Sihanouk, must now learn to work together in a spirit of common destiny and national healing. Their first task is to draft and approve a Constitution and to decide upon a Government. But that is just the beginning. The new Government's primary task is to ensure that all the people of Cambodia, to whom we owe the success of the elections, emerge as the winners. I wish to make the strongest possible plea to all of you to bury the hatchet of yesterday, to cease mutual recriminations forthwith and to concentrate from now on upon building a new Cambodia, based on genuine fraternity and concord.

I have the honour to inform you that the Iraqi side has learned with surprise of the session held by the Special Commission on 7, 10 and 11 May 1993, to which were invited several journalists and friends of Mr. Rolf Ekéus, Chairman of the Special Commission, as well as representatives of several countries. The session was devoted to discussion of the activities of the Special Commission in implementation of its mandate pursuant to resolution 687 (1991), the conclusions of the Commission regarding those activities and the future course of work.

Remarks and observations were made at the session by the "guests" of the Special Commission. We do not find it appropriate to comment on their views, despite the political preconceptions and extremist judgements aired which bespoke a manifest hostility to Iraq and a clear intention to fabricate pretexts for the continuation of the iniquitous embargo against the Iraqi people. We should like to focus solely on the technical and political opinions and conclusions expressed by the Chairman of the Commission.

On the technical side, the Chairman of the Special Commission claimed that his Commission did not have a full understanding of Iraq's programmes in the biological, chemical, nuclear and ballistic fields.

The voicing of such a conclusion by the Chairman of the Special Commission over two years after the beginning of the work of the Special Commission and the International Atomic Energy Agency (IAEA) is incomprehensible and at variance not only with the facts, which we shall review rapidly, but even with the statements of the Chairman of the Special Commission himself, and in particular his statement of 12 January 1993 at Stockholm, in which he said "the compliance of Iraq has been successful thus far, and it would be terrible if the remaining 5 per cent of the implementation was not completed". It is also contrary to the conclusion reached by the Director-General of IAEA, Mr. Hans Blix, which he stated on 20 May 1993 in Washington, that "over these two years we have drawn a detailed map of the Iraqi nuclear programme, and I think we can now definitely say that we feel we have an integrated picture of the Iraqi programme; I do not think anything is missing from that picture".

Therefore, Mr. Ekéus's statement that he did not have a full understanding of Iraq's programmes deliberately confers a powerful ambiguity on the mandate of the Special Commission and the voluminous and extremely detailed work which it has undertaken over the last two years, for the accomplishment of which it has made use of the resources of numerous States, including such important States in the Security Council as the

* Incorporating document S/25915/Corr.1 of 17 June 1993.

United States of America, the United Kingdom of Great Britain and Northern Ireland, France and Russia. These and other States have provided the Special Commission with scientists, experts, extremely advanced equipment and materials, helicopters and American U-2 spy planes, in addition to United Nations and IAEA experts and equipment.

The Special Commission has sent to Iraq during this period 56 inspection teams, 12 special expert missions, and these teams have carried out over 1,100 inspections to ascertain what sites and facilities are present in Iraq in all parts of the country, from the north to the south and from the east to the far west. Most of the inspections have taken place without warning. The Commission has not excluded from its inspections prisons, sports grounds, universities, bread ovens, abattoirs, civilian shelters, sewers, irrigation dams, hospitals and government office buildings. In addition to its inspections, the Special Commission has made use of American and other satellite networks to collect information and pictures, and it has used American U-2 spy planes to make, as at the end of May 1993, 137 flights over Iraq for the purposes of the Special Commission and others. Furthermore, the Special Commission has used helicopters to make hundreds of reconnaissance flights over Iraqi sites and facilities.

From these facts we conclude that Mr. Ekéus's statement that he does not have a full understanding of Iraq's programmes can only be explained by the fact that it is not objective, is contrary to the irrefutable facts and is aimed at introducing ambiguity and confusing the issue in favour of a prior intention which bears no relation to the technical and material contents of resolution 687 (1991); consequently, it is aimed at justifying the continuation of the iniquitous embargo against the people of Iraq.

With regard to the opinions and conclusions of a political nature expressed by Mr. Ekéus, we should like to raise an important question, namely: is the mission of Mr. Ekéus political or technical? Does he have a right, as Chairman of the Special Commission, to make political statements? It is regrettable that at this session Ambassador Ekéus made extremely radical political statements with respect to Iraq which come within the framework of interference in its internal affairs in a way that bears no relation to the mandate of the Special Commission, on which the session was held. This prompts one to raise the following question: how can the Chairman of the Special Commission conduct the work of his Commission with the requisite literal interpretation and objectivity if he holds such hostile political views towards Iraq?

Perhaps the gravest matter is that Ambassador Ekéus has endeavoured to link these political views to the work of his Commission and has begun to speak of the relationship of his Commission to the Arab-Israeli conflict and to oil prices. This tendency again raises grave questions over the credibility of the Special Commission, the nature of its mandate and the intentions of some of its members.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

DOCUMENT S/25917

Letter dated 9 June 1993 from the representative of the
Republic of Armenia to the President of the Security
Council

[Original: English]
[9 June 1993]

I have the honour to forward to you a copy of the letter of 8 June from Mr. Vahan Papazian, Minister for Foreign Affairs of the Republic of Armenia to Mr. Mario Rafaelli, Chairman of the Minsk Conference of the Conference on Security and Cooperation in Europe (CSCE) regarding the CSCE proposal of 7 June to implement Security Council resolution 822 (1993).

I should be grateful if you would circulate this as a document of the Security Council.

(Signed) Alexander ARZOUMANIAN
Permanent Representative of the Republic
of Armenia to the United Nations

TEXT OF THE LETTER

The Ministry of Foreign Affairs of the Republic of Armenia is in receipt of the CSCE Minsk Group proposal to implement Security Council resolution 822 (1993) you presented on 7 June 1993.

Armenia considers the strengthened legal basis of the proposal as a CSCE document supported by nine participating States of the Minsk Group, its development as an initiative which aims at the implementation of Security Council resolution 822 (1993) - especially the provision for the lifting of blockades - and the additional clarifications and guarantees for the interruption of military activities as adequate responses to the concerns Armenia has expressed during this process.

Armenia considers this initiative the best opportunity yet to end the bloodshed and instability in the region, to allow the peoples of the region to resume a normal life, and to provide a climate conducive to effective negotiations for the solution of the Nagorny-Karabakh problem.

Therefore, the Government of Armenia accepts the proposal and is ready to implement those steps which are relevant to it. Armenia urges the main parties to the conflict, Nagorny-Karabakh and Azerbaijan, to do the same.

The Government of Armenia is confident that the Chairman and participating States of the Minsk Group will undertake all additional steps that could further reinforce the interruption of military activities and the peace process, once this proposal is accepted by the parties to the conflict.

The Ministry of Foreign Affairs of the Republic of Armenia is grateful to the Italian Chairman of the Minsk Group for the efforts it continues to undertake to establish peace in our region.

(Signed) Vahan PAPAIZIAN

DOCUMENT S/25919

Letter dated 8 June 1993 from the representative of Liberia to the Secretary-General

*[Original: English]
[9 June 1993]*

Upon instructions from my Government, I have the honour to forward herewith the text of the statement issued by the Cabinet of the Interim Government of National Unity of Liberia, on the Harbel area massacre of civilians by the National Patriotic Front of Liberia on 6 June 1993.

I should be grateful were you to have this letter and the statement circulated as a document of the Security Council.

(Signed) William BULL
*Permanent Representative of Liberia
to the United Nations*

TEXT OF THE STATEMENT

In the early hours of Sunday, 6 June 1993, nearly 300 Liberians, mainly displaced men, women, children and the elderly, were massacred and more than 700 wounded in an attack by armed men in the Harbel area.

Survivors and security investigations have since established that this gruesome and tragic act of terrorism, which has shocked not only the entire Liberian nation but the international community as a whole, was carried out by the National Patriotic Front of Liberia (NPFL).

Deeply moved by this heinous act of barbarism, the Cabinet met in extraordinary sessions yesterday and today (7 and 8 June), to deliberate on the Government's response. After examining the facts and the circumstances of the horror, the Cabinet concluded that Charles Taylor and NPFL must bear full responsibility for the slaughter.

The Government therefore condemns Charles Taylor and NPFL in the strongest terms for their act of savagery, and wishes to dissociate the Liberian people from such inhumane, brutal and senseless destruction of lives.

The Government notes that this latest action by Charles Taylor and his men confirms beyond all doubts that Charles Taylor and his NPFL are committed to a pattern of atrocities designed to create terror in the people of Liberia.

This pattern of savagery has brought in its wake, among other actions by NPFL, the taking and holding hostage of civilians and members of the West African Peace-keeping Force (ECOMOG); the use of civilian hostages as human shields; the bloody and reckless attack on civilians during the so-called Operation Octopus launched by NPFL in October last year; the indiscriminate launching of rockets and other dangerous missiles on residential areas during this period; the brutal killing of four American nuns; and the cold-blooded murder of ECOMOG peace-keepers, including six Senegalese soldiers.

This latest NPFL atrocity convinces the Government and our people that NPFL has embarked on a strategy that increases the gravity of violent crimes that the Front continues to commit.

The Government also notes that this incremental nature of the implementation of NPFL's terroristic designs is in line with Charles Taylor's recent radio directive to his fighters, which was intercepted by ECOMOG.

This directive calls on NPFL forces to unleash a reign of terror against the Liberian people, especially those in displaced centres. Indeed, the Harbel area massacre shows that NPFL forces are actively carrying out the directive of their leader.

The Government recalls that it was in fulfilment of Charles Taylor's reign of terror that the nation recently witnessed similar massacres and burning of villages in Fassama, in Lofa County, where dozens of our people were killed in cold blood by NPFL; and in Yamah Town in Margibi and Bernard Farm, where dozens more innocent civilians were massacred and their homes destroyed.

The Government, in the face of this pattern of atrocities, hereby declares Charles Taylor a terrorist, and his organization, the so-called National Patriotic Front of Liberia, a terrorist organization.

The Government further declares that it will accordingly treat Taylor and his NPFL as such until Taylor demonstrates a firm commitment to the peace process and respect for fundamental human rights and democratic principles and until he and his organization show clear indications that they are prepared to submit to the norms of civilized behaviour.

In this regard, the Government urges the international community to join the Government and people of Liberia in taking all necessary measures that will isolate and ostracize Charles Taylor and his NPFL.

As the people of Liberia absorb the shock of the Harbel area massacre, the Government wishes to express profound condolences to the bereaved families. As a mark of respect for our fallen brothers, sisters, mothers and children, the

Government further declares Friday, 11 June, a day of national mourning, to be observed as a public holiday throughout the country.

Accordingly, the Government is calling on all churches and mosques, and other places of worship, to toll their bells at 12 noon on that day, and offer prayers for the souls of the victims.

In the meantime, in order to protect the civilian population, especially those in displaced centres, the Government has already embarked on a set of security measures.

In this respect, the Government urges all our people to cooperate in the implementation of these security exercises. Meanwhile, the Government calls upon our people to continue organizing community-based groups that will assist in bolstering security measures being taken by the Government.

The Government wishes to assure all our people that it will not relent in ensuring that NPFL's terroristic actions against our people are quickly brought to an end; and the peace process kept on course. To this the interim Government of National Unity remains committed until comprehensive disarmament is achieved as required by the Yamoussoukro Accord.

DOCUMENT S/25920

Letter dated 9 June 1993 from the representative of Croatia to the President of the Security Council

*[Original: English]
[9 June 1993]*

Current tragic events in central Bosnia and Herzegovina, particularly around the town of Travnik where hundreds of Croats have been killed in the past few days, are of the utmost concern for the Republic of Croatia and its citizens. It is disturbing evidence of continuing deterioration of the situation in the whole region, especially in the Republic of Bosnia and Herzegovina. The unwillingness of the world community to start successful implementation of the Vance-Owen plan throughout the entire territory of the Republic of Bosnia and Herzegovina has encouraged all kinds of radicalism and dangerous militant behaviour. In central Bosnia and Herzegovina the most recent victims are 100,000 Croats, who are being exposed to ethnic cleansing and murderous atrocities that have been confirmed by United Nations eyewitnesses in the field.

After the start of the recent offensive by Muslim forces, more than 25,000 Croats have been expelled from their homes, and 60 Croat villages have been destroyed. It should be pointed out that there are no more Croats at Travnik, where they constituted almost 50 per cent of the pre-war population. All the efforts by United Nations forces located in the area to stop the persecution of the innocent Croatian population remain futile. Having said this, we wish to commend the action of British United Nations soldiers who sheltered 200 Croats

and saved them from imminent death. Unfortunately, thousands were not able to find such protection, and at least 600 men, women and children lost their lives. The fact that more than 4,000 people, 700 of them soldiers of the Croatian Defence Council, were forced to surrender to nearby Serbian forces, fleeing for their lives from the Muslim forces, clearly shows how dramatic the situation is.

The Government of the Republic of Croatia wishes to express its position that the Muslim offensive in Bosnia and Herzegovina and the killings and persecutions of innocent Croatian civilians must come to an immediate halt.

My Government believes that the only possible way to end these unfortunate developments, which have resulted in further atrocities and ethnic cleansing, is to persuade the parties in conflict immediately to start the implementation of the Vance-Owen plan, as was agreed by Alija Izetbegovic and Mate Boban at Medjugorje on 19 May 1993.

The continuation of the present offensive will most likely lead to a massive flow of new refugees into the Republic of Croatia, which is already accommodating more than 250,000 Muslim refugees from Bosnia and Herzegovina. If a new flow of refugees occurs, Croatia will be hard pressed to continue providing assistance to these individuals.

The Croatian Government has delivered a strong protest to the President of the Republic of Bosnia and Herzegovina, Alija Izetbegovic, demanding that he undertake steps for the immediate cessation of the offensive actions taken by Muslim forces. Since this remains unfulfilled, we call for an emergency meeting of the Security Council, in sincere hope that it will help to provide an adequate response to the situation that has all the elements of a humanitarian catastrophe, whose consequences are jeopardizing the fragile peace process in the region.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

*(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations*

DOCUMENT S/25921

Letter dated 9 June 1993 from the representatives of France, Spain and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

*[Original: Spanish]
[9 June 1993]*

We have the honour to bring to your attention the text of the Declaration on Former Yugoslavia, adopted by the European Community and its member States at Luxembourg on 8 June 1993.

We should be grateful if you would have the text of this letter and the Declaration circulated as a document of the Security Council.

(Signed) Juan Antonio YÁÑEZ-BARNUEVO
Permanent Representative of
Spain to the United Nations

(Signed) Hervé LADSOUX
Deputy Permanent Representative of
France to the United Nations

(Signed) Sir David HANNAY, KCMG
Permanent Representative of the
United Kingdom of Great Britain
and Northern Ireland to the United Nations

TEXT OF THE DECLARATION

[Original: English/French]

The Community and its member States pledge themselves to intensify efforts to achieve a lasting and equitable peace in former Yugoslavia in close cooperation with the rest of the international community. In this context, the European Community (EC) and its member States are looking forward to meeting U.S. Secretary of State, Warren Christopher, in Luxembourg on 9 June 1993.

The Vance-Owen peace plan remains the centrepiece of EC strategy for peace in Bosnia and Herzegovina. There is no feasible alternative to the Vance-Owen peace plan as the basis for reaching a durable political solution based on the principles agreed by all at the London conference, including the sovereignty of the Republic of Bosnia and Herzegovina, the inviolability of its territorial integrity, respect for its pluralist character, and the inadmissibility of the acquisition of territory by force. Lord Owen and Thorvald Stoltenberg, who have the authority to pursue implementation of the Vance-Owen peace plan through contacts with the parties, have our full confidence and support in this matter.

The Community and its member States welcome the measures developed and supported by the Community and its member States in the joint action programme agreed on 22 May 1993 in Washington by the Ministers for Foreign Affairs of five members of the Security Council, with the aim of preparing the ground for the implementation of the Vance-Owen peace plan. They attach importance to the new commitments of the United States of America and Russia in this task.

The Community and its member States lend their full support to Security Council resolution 836 (1993) on safe areas, which has as its immediate objective the protection of lives now threatened by aggressive military action, and which constitutes a first step in the comprehensive implementation of the Vance-Owen peace plan. Implementation of this resolution requires additional troops and funding, and the Community and its member States support the efforts of the Secretary-General to this end with other members of the international community.

The sanctions imposed by the Security Council against Serbia and Montenegro and the Bosnian Serbs will be rigorously enforced until the conditions in the relevant

resolutions of the Council for their lifting have been met. The Community and its member States will continue to monitor closely the situation in the Krajina, as well as any Croatian acts in contravention of the Vance-Owen peace plan in Bosnia and Herzegovina. They will initiate restrictive measures against Croatia if the situation so requires. They insist that all parties protect the lives and safety of relief personnel and let relief convoys pass unimpeded. The Community and its member States are concerned about a possible spillover of the conflict. They support a substantial increase in the preventive international presence in Kosovo and the former Yugoslav Republic of Macedonia.

The Community and its member States reaffirm that options for new and tougher measures must be kept open.

DOCUMENT S/25923*

Letter dated 9 June 1993 from the representative of the
United Arab Emirates to the Secretary-General

[Original: Arabic]
[10 June 1993]

On instructions from my Government, I have the honour to transmit herewith the text of the statement of the Ministerial Council of the Gulf Cooperation Council at its forty-seventh session held at Riyadh on 7 and 8 June 1993.

I should be grateful if you would have this letter and the statement circulated as a document of the General Assembly and of the Security Council.

(Signed) Mohammad J. SAMHAN
Permanent Representative of the United Arab Emirates
to the United Nations

TEXT OF THE STATEMENT

The Ministerial Council held its forty-seventh session on 17 and 18 Dhu'l-hijjah A.H. 1413 (7 and 8 June 1993) at the headquarters of its Secretariat at Riyadh, under the chairmanship of Mr. Rashid Abdullah al-Noaimi, Minister for Foreign Affairs of the United Arab Emirates, Chairman of the current session of the Ministerial Council, in the presence of

Sheikh Isa Bin Muhammad Al Khalifa, Ambassador of the State of Bahrain to the Kingdom of Saudi Arabia;

His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of the Kingdom of Saudi Arabia;

Mr. Yousef Bin Al-Alawi Bin Abdulla, Minister for Foreign Affairs of the Sultanate of Oman;

Sheikh Hamad Bin Jassem Bin Jabr Al Thani, Minister for Foreign Affairs of the State of Qatar;

* Circulated under the double symbol A/48/205-S/25923.

Sheikh Sabah al-Ahmad al-Jaber al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of the State of Kuwait.

The Ministerial Council took the occasion of the twelfth anniversary of the auspicious launching of the Gulf Cooperation Council (GCC) to convey to the leaders of the GCC States its sincerest congratulations, praying to the Almighty that it might accomplish the desired goals and objectives in the interests and welfare of the peoples and States of GCC.

The Ministerial Council reviewed the latest regional and international developments and considered the situation in the region in the light of the Iraqi regime's continued procrastination in implementing the relevant Security Council resolutions concerning its aggression against the State of Kuwait. The Council condemns the Iraqi regime for its attempt to shirk its international obligations, for its violation of the terms of the cease-fire laid down by Security Council resolution 687 (1991) and other relevant resolutions, and for its continued threatening of the sovereignty and independence of the State of Kuwait and its jeopardizing of security and stability in the region.

The Council commends the adoption of Security Council resolution 833 (1993), which gives definitive recognition to the results of the United Nations Iraq-Kuwait Boundary Demarcation Commission and guarantees the inviolability of the international border between the two countries in accordance with the provisions of Chapter VII of the Charter of the United Nations, for the genuine contribution of that resolution to the strengthening of security and stability in the region. The Council expresses its appreciation to the States members of the Security Council for their objective and just stance and to the Secretary-General of the United Nations and the Chairman and members of the Iraq-Kuwait Boundary Demarcation Commission for their untiring efforts in carrying out their task in such a precise and just manner.

The Council reaffirms its constant position regarding the need for Iraq to implement all the relevant Security Council resolutions concerning its aggression against the State of Kuwait, and all the provisions of resolution 687 (1991), in particular those relating to the release of Kuwaiti and other prisoners and detainees, the recognition of the international boundary between the two countries on the basis of the Agreed Minutes of 1963²³ and in accordance with Security Council resolutions 687 (1991), 773 (1992) and 833 (1993), the payment of compensation, the speedy return of stolen property and the facilitation of the tasks of the international inspection teams entrusted with the elimination of weapons of mass destruction. Iraq should undertake not to commit or support any acts of terrorism or sabotage. The Ministerial Council urges the international community to continue to exert pressure on the Iraqi regime to undertake to implement fully all the resolutions of international legality.

While reaffirming its absolute attachment to the unity and territorial integrity of Iraq, the Council places full responsibility on the Iraqi regime for the bloody repression to

which the fraternal Iraqi people have been subjected and for any other human suffering it may be experiencing as a result of the refusal of that regime to implement Security Council resolutions 706 (1991) and 712 (1991), which deal with the needs of Iraq in respect of foodstuffs and medicine.

The Council also reviewed developments in the relationship with the Islamic Republic of Iran and reaffirmed its full support for the sovereignty of the United Arab Emirates over its three islands, Abu Musa, the Greater Tunb and the Lesser Tunb. It reiterates its support for all measures and peaceful means that may be adopted by the United Arab Emirates to recover its sovereignty over its islands.

The Ministerial Council also welcomed the agreement which has been reached between the United Arab Emirates and the Islamic Republic of Iran concerning their desire and willingness to engage in further dialogue between the two countries for the resolution of all matters pending.

The Council reaffirms its full solidarity with and complete support for the measures taken by the Kingdom of Saudi Arabia to ensure the safety of pilgrims to Makkah and to enable them to perform the obligation of the pilgrimage in safety, comfort and tranquillity, in accordance with the teachings of the Islamic religion.

The Ministerial Council considered the developments of the peace process in the Middle East in the light of the end of the ninth round of bilateral negotiations and welcomes the agreement of the parties concerned to hold the tenth round in June of the current year. The Council renews its full support for the peace process, which is aimed at reaching a just, lasting and comprehensive solution to the Palestinian question and the Arab-Israeli conflict on the basis of Security Council resolutions 242 (1967) and 338 (1973), the principle of land for peace, the achievement of a complete Israeli withdrawal from the occupied Arab territories, first and foremost Jerusalem, the guaranteeing of the legitimate national rights of the Palestinian people, including its right to self-determination, and the establishment of firm foundations on which to guarantee security and stability in the Middle East.

The Ministerial Council urges the international community to take what steps are necessary to induce Israel immediately to lift the state of embargo imposed on the occupied Arab territories, to respect the rights of Palestinians in the occupied territories, which are guaranteed by the Fourth Geneva Convention,¹ to begin implementation of Security Council resolution 799 (1992), to refrain from violating the sovereignty and independence of Lebanon and to implement Security Council resolution 425 (1978) calling upon Israel to withdraw unconditionally from all Lebanese territory in conformity with the spirit of the peace efforts being exerted and confidence-building measures.

The Ministerial Council notes with grave concern the continued severe and painful human suffering of the people of the Republic of Bosnia and Herzegovina as a result of the continued evil Serbian aggression and the violation by irregular Serbian forces, supported by Serbia and Montenegro,

of the instruments of the United Nations, as well as their challenge to international legality.

The Ministerial Council renews its condemnation of the Serbian aggression against the Republic of Bosnia and Herzegovina, the perpetration by the Serbian forces of the most repugnant crimes of genocide and their practice of the repugnant policy of ethnic cleansing, arbitrary killings, organized rape, terror, displacement of persons, starvation and destruction of houses and places of worship. It urges the Security Council to take immediately all the necessary measures to enable the Republic of Bosnia and Herzegovina to exercise its right to self-defence in accordance with Article 51 of the Charter of the United Nations, and to lift the arms embargo imposed on it.

In the light of Security Council resolution 836 (1993), the Ministerial Council urges the Security Council to take all the measures allowed under Article 42 of the Charter of the United Nations to restore international peace and security and to compel the forces of aggression to abide by the resolutions of international legality, to refrain from rewarding the aggressors by preventing changes in the demographic make-up or the achievement of territorial gains through a policy of imposing a *fait accompli*, and to compel the Serbian forces to withdraw and respect the independence, sovereignty and unity of the territory of the Republic of Bosnia and Herzegovina. The Council also urges the international community to tighten the sanctions and to increase the pressure on Serbia and Montenegro.

The Council expresses its concern over the regrettable incidents which have taken place recently against the forces of the United Nations in Somalia. It hopes that the latest Security Council resolution will strengthen the progress of security and stability in this fraternal country. On the basis of the agreement of the Ministers for Foreign Affairs of the Damascus Declaration States at their sixth meeting in September last year at Doha to hold their seventh meeting at Abu Dhabi, following a generous invitation from the Government of the United Arab Emirates, the Ministerial Council looks forward to this meeting, which will be held at Abu Dhabi on 12 June of the current year in continuation of the cooperation which has characterized all the previous meetings between the eight States.

The Council welcomes the independence of Eritrea and looks forward to establishing firm relations which are consonant with the historical links and will contribute to the strengthening of security and stability in the region.

On the economic and cultural side, the Council examined the minutes of the relevant ministerial committees and welcomed the positive results achieved by the joint meeting between the Minister for Foreign Affairs of the GCC countries and the European Community. It expressed its hope that the bilateral Joint Committee due to convene next month will arrive at practical proposals which further the joint interests of both sides. The Ministerial Council also expressed its satisfaction with the positive results achieved by the first conference of GCC and United States businessmen.

The Ministerial Council expressed its thanks to the Government of Belgium for hosting the fourth session of the Joint Ministerial Council and for the facilities which it has provided to open a permanent GCC mission to the European Community at Brussels.

DOCUMENT S/25924

Letter dated 10 June 1993 from the representative of Iraq to the Secretary-General

[Original: Arabic]
[10 June 1993]

On instructions from my Government, and further to my letters, the most recent of which was issued as document S/25788, I have the honour to inform you that, from the night of 4 June and throughout the day of 5 June 1993, the artillery of the Iranian regime engaged in sporadic shelling of the northern part of Qala'at Dizah (Sulaymaniyah Governorate), in particular the western foothills of Qandil slope, Wadi Shahidan and the villages of Shiyuzah, Bnukah, Qarnatu and Buli, causing many families to flee and resulting in material damage and a number of dead and wounded among the civilian population.

The Government of Iraq strongly protests against this fresh act of aggression, which constitutes a flagrant violation of Iraq's sovereignty, and blatant interference in its internal affairs. It also condemns the persistence of the Iranian regime in violating Security Council resolution 598 (1987).

The Government of Iraq requests you to intervene to prevent the Iranian side from repeating such acts of aggression, which are contrary to international law and the Charter of the United Nations. It reserves its full right to respond by using any means appropriate to maintain the rights and legitimate interests of Iraq.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

DOCUMENT S/25925

Letter dated 25 May 1993 from the representative of the Sudan to the President of the Security Council

[Original: English]
[10 June 1993]

Further to my letter dated 12 January 1993 [S/25095], I have the honour to transmit herewith for your attention, a letter from Mr. Hussein Abu Salih, Minister for Foreign Affairs of the Republic of the Sudan concerning the aggression of the Arab Republic of Egypt on the Sudanese region of Halayib.

The Republic of the Sudan would like to point out that these continuous aggressive practices pose grave and direct threat to the security and peace in the region. We, therefore, call upon your august Council to shoulder its full responsibilities by withdrawing the Egyptian forces from Halayib, putting an immediate end to the aggressive acts and provocative unwarranted behaviour of the Egyptian forces and to settle the conflict within the framework of the legal norms.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ahmed SULIMAN
Permanent Representative of the Sudan
to the United Nations

LETTER DATED 18 MAY 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF THE REPUBLIC OF THE
SUDAN TO THE PRESIDENT OF THE SECURITY
COUNCIL

[Original: Arabic]

Further to our notes of 27 December 1992 and 7 and 11 January 1993 respectively, regarding the aggression by the Arab Republic of Egypt against the Sudanese region of Halayib, we should like to bring the following matters to the attention of the Security Council.

1. At the same time as Sudan is undertaking to resolve the difficulty with the Arab Republic of Egypt in the Halayib triangle through negotiations and peaceful means, the Arab Republic of Egypt is continuing to intensify its military presence in the area and is taking a number of administrative measures to change the identity and reality of the region in violation of the agreement which both countries had reached not to take any measures in the area until such time as an agreement had been reached through bilateral talks. In this connection, we should like to point out, by way of example, the following Egyptian measures:

(a) The Egyptian Minister of Housing paid a number of visits to the Halayib area after which he announced that 1,036 desert dwellings had been built and that it had been decided to begin immediate implementation of an integrated plan for the development of the region;

(b) On 8 February 1993, the Governor of the Red Sea Province announced a decision to allocate an area of 8,000 square metres at Abu Ramad for the construction of an Egyptian elementary school and the opening of three institutes of Islamic education. Furthermore, on 1 February 1993, the Minister of Housing announced that the Egyptian customs post at Abu Simbel would be transferred to Halayib;

(c) On 2 February 1993, Egypt signed agreements with Germany and Japan for the export of 20,000 tons of manganese from the Halayib area. Agreements were also concluded with Germany and Austria for the export of 50,000

tons of aluminate from the Halayib area, and on 8 November 1992, Egypt invited international tenders to drill for petroleum in the area of the Red Sea and Halayib;

(d) On 19 August 1992, the Egyptian Ministry of Awqaf published a decision to appropriate all the mosques in the Halayib area and sent teams to boost religious awareness in the area. On 13 July 1992, Egypt re-enforced its media presence by means of around-the-clock radio broadcasts to Halayib and by relaying television to it;

(e) The Egyptian authorities in the area have endeavoured to induce the Sudanese citizens to accept Egyptian identity cards linked to ration cards;

(f) Egypt has begun to build roads, permanent settlements, power lines and other services aimed at imposing a new reality;

(g) On 23 April 1993, the Egyptian authorities detained two vehicles in the Halayib region and arrested their occupants, who were Sudanese officials entrusted with carrying out the fourth census in Halayib within the framework of the general population census in all regions of Sudan. They forced them to return south of the 22nd parallel and prevented them from carrying out their national duty. It should be noted that all previous population censuses from the independence of Sudan until the present Egyptian military occupation have included the region of Halayib;

(h) On 1 February 1993, the Egyptian authorities arrested a Sudanese citizen, Imad Awad Ahmad Pasha, a member of the Sudanese Red Crescent, assaulted him and sent him back, thereby preventing him from completing the humanitarian mission for which he had come to the Halayib region;

(i) On 10 May 1993, Egyptian forces stopped Mr. Karar Muhammad Karar, the administrator of the Basharin tribe, and the delegation of local elders and mayors accompanying him. The delegation was making a tour to inform the Basharin tribe of the latest developments.

2. It seems that the Arab Republic of Egypt has decided to resolve the border dispute in the Halayib region militarily, despite the fact that it is clearly a legal dispute. Sudan continues to insist on the necessity of solving this dispute within a legal framework and through peaceful means. Sudan therefore firmly rejects all the measures taken by Egypt in the Halayib area and considers that such measures are illegal and constitute a grave threat to peace and security in the region.

Not content with the aforesaid measures, the Egyptian Government also intensified its provocations and threats of resorting to force, and committed an aggression against the disputed Halayib area and other parts of Sudanese territory, as indicated below:

(a) On 26 April 1993, Sudanese military authorities received a letter from the Egyptian authorities, the text of which read as follows:

"We are informing you that any move by Sudanese troops north of Muhammad Qawl will be considered as an act of hostility towards Egypt, and we therefore ask you to do what is necessary to prevent any move by Sudanese troops beyond the Muhammad Qawl area.";

(b) On 4 May 1993, the Sudanese military authorities received a second letter from the Egyptian authorities, the text of which read as follows:

"Please note that the move of any Sudanese troops north of Port Sudan is considered as an act which threatens Egypt's national security and that measures will be taken in order to guarantee Egypt's security. We ask you to kindly do what is necessary to ensure that the situation does not deteriorate.";

(c) On 6 May 1993, the Sudanese military authorities received from the Egyptian authorities a third letter, the text of which read as follows:

"Recently Sudanese elements in the Halayib triangle and Shalatin area engaged in actions which constituted an escalation of hostility and which can be summarized as follows:

- (i) Reinforcements (6 individuals) were sent to the civilian police post at Shalatin;
- (ii) Reinforcements (14 individuals) were sent to the civilian police post at Abu Ramad;
- (iii) Construction activities were undertaken in Halayib Island; four wooden huts were built;
- (iv) Sixty-eight soldiers were sent as reinforcements to the town of Halayib;

"These actions constitute an escalation and are unacceptable. Every effort must be made to effect the withdrawal, within 48 hours, of the reinforcements, whether civilian police or military personnel at Halayib, and to put an end to the construction activities in Halayib Island. Otherwise, we will be compelled to take whatever measures are needed to ensure the security of our personnel in the area to deal with this escalation."

(d) On 10 May 1993, Egyptian armed forces came back and again surrounded the Shalatin and Abu Ramad posts;

(e) On 11 May, some Egyptian troops, one company and three military vehicles, moved south of the 22nd parallel;

In view of the foregoing, there is no doubt that Egypt is seeking to settle the question militarily as these letters demonstrate that Egypt is threatening to use force even outside the two disputed areas; this threatens security and stability in the entire region, since it poses the risk of a military confrontation which Sudan wishes to avoid.

It is an established fact that, by acting thus, the Egyptian Government is clearly revealing an obvious contradiction in its position. As you know, Egypt claimed, in its reply to the previous note from the Sudanese Government, that it has a legitimate right to the Halayib region and that it was acting within that context.

The Sudanese Government wishes to recall that it is established beyond a doubt that whoever claims to have a legitimate right must prove this by the legal means provided for in the Charter of the United Nations. Consequently, any attempt to impose a *fait accompli* by armed force is inadmissible and in no way alters the truth as it has been recorded in Security Council documents since 1958, namely, that there is a border dispute between Egypt and Sudan with regard to the Halayib triangle.

The Sudanese Government takes this opportunity to reaffirm that Egypt must refrain from resorting to threats or to the use of force and must desist from resorting to force against Sudan's security and sovereignty. In accordance with the Charter of the United Nations, international law and the principle of good-neighbourliness, the Egyptian Government should state officially that it agrees to seek a settlement of the border dispute between the two countries by legitimate and legal or quasi-legal means, since it does not doubt that right and justice are on its side.

In any event, the Sudan, which has so far been patient and restrained out of respect for the values of brotherliness and good-neighbourliness and out of consideration for the demands of local bilateral security, stressing the advantages of dialogue and peaceful consultation for the settlement of disputes, informs the Security Council that it reserves the right lawfully to defend its territory and sovereignty in accordance with the Charter of the United Nations and the general principles of international law.

That being so, the Sudan wishes to point out that the incessant acts of hostility which it has reported constitute a grave and direct threat to peace and security in the region, and it therefore requests the Council to assume its responsibilities fully and to make Egypt withdraw all its forces from Halayib and refrain from constantly resorting to threats and aggression and to contain the explosive situation at the military level and to leave the way open for a peaceful settlement within a legal framework.

(Signed) Hussein ABU SALIH
Minister for Foreign Affairs

DOCUMENT S/25926

Letter dated 3 June 1993 from the representative of
Egypt to the President of the Security Council

[Original: English]
[10 June 1993]

Further to my letter dated 18 January 1993 [S/25127], I have the honour to transmit herewith for your attention, a letter from Mr. Amre Moussa, Minister for Foreign Affairs of the

Arab Republic of Egypt, in reply to the letter of the Minister for Foreign Affairs of the Sudan addressed to the President of the Security Council dated 18 May 1993 [see document S/25925 above].

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nabil ELARABY
Permanent Representative of Egypt
to the United Nations

LETTER DATED 30 MAY 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF EGYPT TO THE
PRESIDENT OF THE SECURITY COUNCIL

[Original: Arabic]

With reference to the letter dated 18 May 1993 addressed to you by the Minister for Foreign Affairs of the Sudan concerning the question of Halayib, and pursuant to my letters to you of 3 and 14 January 1993 on this question [see S/25051 and S/25127], I have the honour to inform you that the aforementioned letter from the Minister for Foreign Affairs of the Sudan is one in a series of letters through which the Sudanese Government is seeking to infringe Egypt's acknowledged sovereignty over the Halayib region. As I have stated previously, this sovereignty has a legal, historical and factual basis. As you know, the 1899 Agreement demarcated the Sudan's northern international boundary with Egypt and unambiguously stipulated that Sudanese territory comprised the land south of the 22nd parallel. Thus, the reasoning followed in the series of letters from the Sudan to the President of the Security Council claiming that the Halayib triangle area is in Sudanese territory and not Egyptian territory is specious and is no substitute for history or law in their true context, which precision and accuracy demand. These letters contain allegations which clearly demonstrate that the Sudanese Government intends to transform the limited administrative functions entrusted to it pursuant to Egyptian decrees into permanent occupation and annexation of territory that belongs to Egypt legally and historically.

The Egyptian administrative decrees which place areas situated north of the 22nd parallel and within Egypt's international borders under Sudanese administration - measures that were taken in the interest of tribes living on both sides of the international border - can in no way be construed as constituting a modification of the Agreement of 19 January 1899, the sole document demarcating the international boundary between Egypt and the Sudan, for they are purely administrative decrees promulgated for humanitarian purposes. Clearly, the limited administrative functions which Egypt accorded the Sudan in areas north of the 22nd parallel cannot be extended so far as to authorize acts of sovereignty, and they confer no rights whatsoever over the area.

As for the allegations made in the latest letter from the Sudan, it should be noted that, since 1899, Egypt has never relinquished its sovereignty over the Halayib region. In fact,

despite the aforementioned administrative functions which Egypt entrusted to the Sudan in the region, Egypt continues - and shall continue - to exercise its sovereignty over the region without interruption. Moreover, the Egyptian Government has consistently protested whenever the Sudanese authorities have attempted to act in the region in a manner that infringes Egyptian sovereignty there.

The presence of border guards along the Egyptian frontier is entirely natural, deriving from Egypt's exercise of its sovereignty over its territory. This presence has been necessary to protect Egypt's security in the face of increasingly active terrorist elements infiltrating Egypt with growing regularity, posing a possible threat to peace and security in the region. There has never been an Egyptian presence in Sudanese territory south of the 22nd parallel, contrary to what is claimed in the letter from the Sudanese Minister for Foreign Affairs.

This letter contains numerous accusations and refers to what it calls escalation in the form of threatening letters which the Sudanese military authorities have received from the Egyptian authorities. These allegations are devoid of any truth, the fact of the matter being that Egypt ardently seeks to continue the dialogue between the Egyptian and Sudanese military commanders in order to prevent any escalation of the situation along the border between the two countries.

It is obvious that the Sudanese Government is seeking to use this series of letters to the Security Council to persuade the Council that an unusual situation exists in the border region. To this end, it is distorting reality and fabricating events and threats with a view to covering up the internal situation in the Sudan, which is deteriorating as a result of the repression waged by the Sudanese regime against the fraternal Sudanese people and by a policy which supports terrorism and attempts to interfere in the internal affairs of States by cooperating with unsavoury elements. Egypt, which holds its ongoing efforts to ensure peace and security throughout the region as one of the pillars of its policy, finds this unacceptable.

Egypt exercises full sovereignty in all its forms as regards security and administration within its international borders north of the 22nd parallel, including the Halayib triangle area. Despite past and present Sudanese outbursts and our awareness of the profoundly political motives which have led the Sudanese Government to raise the question of Halayib at this particular moment, we wish to avoid complicating the situation further and reaffirm our sincere desire to settle any dispute with the Sudan within the framework of the Joint Commission created for this purpose, bearing in mind the historical and friendly relations which link the two fraternal peoples and the bilateral relations that exist between the two countries, while respecting the rules and principles of good-neighbourliness and non-interference in the internal affairs of States and respecting the rights deriving from agreements by honouring the commitments undertaken therein.

(Signed) Amre MOUSSA
Minister for Foreign Affairs

DOCUMENT S/25928

Letter dated 10 June 1993 from the representative of Iraq to the Secretary-General

[Original: Arabic]
[11 June 1993]

On instructions from my Government, I have the honour to transmit herewith an information bulletin on the measures taken by Iraq during the month of May 1993 in implementation of the requirements of Security Council resolution 687 (1991).

I should be grateful if you would arrange for this letter and the information bulletin to be circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

TEXT OF THE INFORMATION BULLETIN

Below is a summary of the measures taken by the Iraqi side during the month of May 1993 in implementation of the requirements of resolution 687 (1991):

I. INSPECTION TEAMS

1. Chemical Destruction Group (UNSCOM 38)

The Chemical Destruction Group that has been in the country since 18 June 1992 has continued its work at the Muthanna Establishment. The Group is supervising the destruction by the Iraqi side of chemical weapons and ammunition at this site.

2. Inspection team (UNSCOM 54)

The team has continued the work that it began on 27 March 1993. Its task centres on inspection of certain Iraqi industrial installations. During the month of May, team members have made daily visits to the Rashid factory and its three units, Al-Amin, Al-Ma'mun and Al-Mu'tasim, as well as the Qa'qa' State Establishment, the Ibn al-Haytham Centre and the Rafah site.

The team left the country on 17 May 1993, following the completion of its work.

The leader of the team stated, following the completion of his team's mission, that its mission had been generally positive and that the Iraqis had, to a large extent, cooperated in the team's work and furnished all the information requested by the team.

3. Nineteenth nuclear inspection team (UNSCOM 56)

The team visited the country from 30 April to 7 May 1993. The team consisted of 14 inspectors led by Mr. Richard Hooper and carried out the following activities:

(a) The inspection team visited the following sites: Tuwaitha; Jurf al-Naddaf; Hattin Project 144; Al-Herith factory; State Establishment for Mechanical Industries at Iskandariyah; Al-Nur factory; State Vehicle Establishment at Iskandariyah; Nasr Establishment; Nida' General Establishment; Abu Sakhir mine; Ur State Establishment; Qa'im State Establishment for Phosphates; Badr State Establishment; Umm al-Ma'arik Establishment; Al-Furat plant; the tank and engineering equipment repair plant.

(b) The team took water samples from 15 sites and from various segments of the Tigris, Euphrates, Lesser Zab, Greater Zab and Diyala rivers and the Habbaniyah Lake.

(c) The team held a number of meetings with the Iraqi side, at which it discussed numerous aspects of its work, in particular the question of the specifications and characteristics of the Matrix Churchill machines, in connection with which the Iraqi side furnished precise and convincing technical evidence concerning the purely civilian uses of these machines.

(d) The team leader addressed a number of letters to the Iraqi side containing inquiries about the specifications of certain plant and equipment and the uses of certain sites. The Iraqi side replied to all these letters.

(e) Following the completion of the team's work, the team leader stated that his team had inspected 17 sites searching for prohibited nuclear equipment. He said that the team had continued verification of what had been declared by Iraq and had found no equipment that should have been declared.

4. Special Commission helicopter unit

During May 1993, the unit carried out the tasks assigned to it with the cooperation of the Iraqi side. The unit carried out 21 flights for the purpose of carrying inspection teams to and from the sites to be inspected. The Aerial Inspection Team also carried out 13 flights in which it surveyed, photographed and inspected 32 sites.

II. RETURN OF PROPERTY

1. The operation of the hand-over of the Hawk missile system was completed in the Safwan area on 2 May 1993. The operation began on 4 April 1993.

2. The operation of the hand-over of heavy military equipment (second stage) was begun in the Safwan area on 15 May 1993 and is still continuing. The following have been handed over to date:

27 Centurion tanks of British manufacture;

20 Chieftain tanks of British manufacture;

124 Warrior armoured vehicles of British manufacture;

37 Saladin armoured vehicles of British manufacture.

III. MISSING PERSONS

Further to what was stated in the information bulletin for April concerning the illegal entry of six Kuwaitis into Iraqi territory in the Safwan area by private car on 8 April 1993, Iraq released these individuals and handed them over to the delegation of the International Committee of the Red Cross (ICRC) at Baghdad on 9 May 1993. ICRC returned them to their families. This responsible humanitarian action proves the spuriousness of the fabricated allegations of the existence of "Kuwaiti detainees" in Iraq. It is also proof of Iraq's true and sincere intention of cooperation on such humanitarian matters.

DOCUMENT S/25930

Letter dated 7 June 1993 from the Chairman of the Security Council Committee established by Council resolution 661 (1990) concerning the situation between Iraq and Kuwait to the President of the Security Council

(Original: English)
[11 June 1993]

I have the honour to transmit herewith for the attention of the members of the Security Council the report of the Security Council Committee established by Council resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6 (f) of the guidelines [S/22660] to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991).

The report was approved by the Committee on 7 June 1993.

(Signed) Terence O'BRIEN
Chairman

*Security Council Committee established
by Council resolution 661 (1990) concerning the
situation between Iraq and Kuwait*

ANNEX

Report of the Committee established by Security Council resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6 (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Council resolution 687 (1991)

1. The present report is submitted by the Security Council Committee established by Security Council resolution 661 (1990) concerning the situation between Iraq and Kuwait, in accordance with paragraph 6 (f) of the guidelines [see S/22660] for facilitating full international implementation of paragraphs 24, 25 and 27 of Council resolution 687 (1991) of 3 April 1991 approved by Council resolution 700 (1991) of 17 June 1991.

2. Under paragraph 6 (f) of the guidelines, the Committee is required to report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Security Council. The present report is the eighth report submitted under the above-mentioned guidelines. The preceding reports were submitted on 13 September 1991 [S/23036], 10 December 1991 [S/23279], 12 March 1992 [S/23708], 11 June 1992 [S/24083], 10 September 1992

[S/24545], 4 December 1992 [S/24912], and 19 March 1993 [S/25442].

3. By paragraph 12 of the guidelines, all States are requested to report to the Committee any information that may have come to their attention relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals. During the period under review no information as requested by paragraph 12 of the guidelines has been received by the Committee.

4. In accordance with paragraphs 13 and 15 of the guidelines, all States and international organizations ought to consult the Committee on the question of whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items, i.e., items meant for civilian use but with potential for diversion or conversion to military use. During the period under review, no States or international organizations have consulted the Committee on these questions.

5. By paragraph 14 of the guidelines, international organizations are requested to provide the Committee with any relevant information that may come to their attention. During the period under review, no information as requested by paragraph 14 of the guidelines has been received by the Committee.

6. In a note dated 29 March 1993 [S/25480], the President of the Security Council published the text of the statement made to the media on behalf of the members of the Council. He had stated that the members of the Council had held informal consultations on 23 and 29 March 1993 pursuant to paragraphs 21 and 28 of Security Council resolution 687 (1991) and paragraph 6 of Council resolution 700 (1991). After hearing all the opinions expressed in the course of the consultations, the President of the Council had concluded that there was no agreement that the necessary conditions existed for a modification of the regimes established in paragraph 20 of Council resolution 687 (1991), as referred to in paragraph 21 of that resolution; in paragraphs 22 to 25 of Council resolution 687 (1991), as referred to in paragraph 28 of that resolution; and in paragraph 6 of Council resolution 700 (1991).

7. Since the submission of the previous report of the Committee on 19 March 1993 [S/25442], no allegations of violations, particularly in connection with paragraph 24 of resolution 687 (1991), have been reported to the Committee.

8. The Committee will continue its efforts to fulfil the mandate entrusted to it. Since the last report of the Secretary-General, dated 4 December 1991 [S/22884/Add.2], no further replies have been received from Member States pursuant to paragraph 4 of Security Council resolution 700 (1991).

2 June 1993

DOCUMENT S/25932*

Letter dated 11 June 1993 from the representative of Yugoslavia to the Secretary-General

(Original: English)
[11 June 1993]

I have the honour to transmit herewith the letter from Mr. Vladislav Jovanović, Deputy Prime Minister and Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to you.

* Circulated under the double symbol A/48/206-S/25932.

I should be grateful if you would have the text of the letters circulated as a document of the General Assembly and of the Security Council.

(Signed) Dragomir DJOKIC
*Chargé d'affaires a.i. of the Permanent Mission
of Yugoslavia to the United Nations*

LETTER DATED 11 JUNE 1993 FROM THE DEPUTY
PRIME MINISTER AND MINISTER FOR FOREIGN
AFFAIRS OF THE FEDERAL REPUBLIC OF
YUGOSLAVIA ADDRESSED TO THE
SECRETARY-GENERAL

Highly appreciative of your experience and authority, I am writing to ask you kindly to intercede to bring about the implementation of the Agreement on the Exchange of Prisoners of War concluded between the Governments of the Republic of Croatia and of the Federal Republic of Yugoslavia at Budapest on 7 August 1992. The implementation of this Agreement has been stalled primarily by the refusal of the Government of the Republic of Croatia to fulfil the commitments it has undertaken.

Proceeding from an unfounded allegation that the Federal Republic of Yugoslavia committed aggression against the territory of the Republic of Croatia (Armed conflicts started with the aggression of the Republic of Croatia against the Serb people and have taken place exclusively in the territories which historically and ethnically belong to the Serb people and have never been part of an independent Croatian State.), the Croatian Government is pursuing ethnic cleansing and committing genocide in the territory under its control, violating thus the basic principles of humanity and international law. The Government of the Republic of Croatia has taken the same attitude also in respect of its commitments emanating from international conventions on prisoners of war [POWs] and the agreements with the Federal Republic of Yugoslavia on the Exchange of POWs. I therefore wish to draw your attention to the following:

- Although it has undertaken to provide the International Committee of the Red Cross (ICRC) with a list of all POWs in its territory, the Croatian Government has not done that yet. More than 1,000 POWs, on whom there exist reliable data, have not been registered with ICRC. The competent Yugoslav commission for the exchange of POWs has informed ICRC of this fact.
- The lists of POWs submitted to ICRC by the Republic of Croatia include civilians of Serb nationality from territories in the Republic of Croatia in which there have been no armed hostilities. Because of their Serb nationality and Orthodox religion, these persons were arrested, maltreated, proclaimed POWs and offered for exchange. A number of these persons do not want to be exchanged, refusing to give up their property in the Republic of Croatia. The Croatian side put these persons back in prison, subjected them to torture and offered them for exchange again. This

is a glaring example of ethnic cleansing and unlawful seizure of property.

- During the armed conflict and in its aftermath, 220 former JNA soldiers, citizens of Yugoslavia, were killed or died from the consequences of torture in prisoner camps and prisons controlled by Croatian authorities, while thousands were maltreated, beaten and humiliated in a manner unrecorded in the history of past wars. The Federal Republic of Yugoslavia will release a statement on war crimes against POWs soon.
- The Croatian side refused to exchange or provide appropriate information about the destiny of 50 former JNA soldiers taken prisoner and held captive in prisoner camps at Split, Slavonski Brod and elsewhere. It is believed that the Croatian authorities have killed them, committing thus the most serious crime against humanity and violating the Geneva Conventions on POWs.
- The President of the Republic of Croatia has not replied to the letter of the President of the Federal Republic of Yugoslavia, requesting that the two Presidents intercede in the release of remaining POWs.

Because of such an attitude of the Croatian side towards the implementation of the said Agreement on the Exchange of POWs, the Federal Republic of Yugoslavia has informed the Croatian side and the ICRC of the following:

- The Yugoslav side has released all POWs in its territory.
- The Yugoslav side will do its utmost to exchange - release an additional 17 persons in its territory, although they do not have POW status. These are the persons convicted of committing criminal acts outside combat zones and terrorists infiltrated into the territory of the Federal Republic of Yugoslavia for the purpose of mining the bridge on the Danube and committing other terrorist acts.
- The Yugoslav side is still prepared, for confidence-building purposes, to have a tripartite commission, consisting of representatives of the Republic of Croatia, ICRC and the Federal Republic of Yugoslavia, tour the sites in Yugoslavia where, according to the Croatian Government, POWs or other arrested citizens of Croatian nationality are kept and to inspect their condition (no such camps exist in the territory of the Federal Republic of Yugoslavia.). It would be appreciated if the Government of the Republic of Croatia displayed such readiness in respect of the camps for POWs and citizens of Serb nationality existing in the territory of the Republic of Croatia.

Since the Yugoslav side has fulfilled its commitments under the Agreement on the Exchange of POWs, I appeal to you to use all your authority and influence to have the Republic of Croatia fulfil its international commitments without delay and to exchange all POWs.

I also call upon the international community to bring pressure to bear on the Republic of Croatia to provide information about the destiny of 50 former JNA soldiers taken prisoner, for whom there exists reasonable doubt that they not only were tortured, but even killed in Croatian camps. Pressure should also be brought to bear on the Republic of Croatia to stop ethnic cleansing in its territory by arresting citizens - civilians of Serb nationality and putting their names on POW lists in order to exchange them. And finally, it would be very useful if, under your guidance and authority, the international community assisted in establishing an effective service for searching for missing persons in the territory of the former Federal Republic of Yugoslavia.

(Signed) Vladislav JOVANOVIĆ
Deputy Prime Minister
and Minister for Foreign Affairs

DOCUMENT S/25933

**Letter dated 11 June 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

*[Original: English]
[11 June 1993]*

The situation in the "safe area" of Gorazde is extremely grave. Reinforced Serbian troops continue an intensified offensive, now in its fifteenth day, against 70,000 civilians. Residential areas of Gorazde are being pounded by Serbian heavy artillery from the directions of Pale, Cajnice, Visegrad, Rudo, and Foca. There is imminent danger that Gorazde will be overrun and, on the basis of past experience, we justly fear that the civilian population will be massacred.

Despite the extended mandate of UNPROFOR [*United Nations Protection Force*] to "deter attacks against the safe areas", in accordance with resolution 836 (1993), Serb forces continue the calculated destruction of Gorazde with impunity. Not a single United Nations observer has yet reached the town to investigate the present situation. Convoys with food and medicine remain blocked by the Serb forces from entering Gorazde.

We call upon the Security Council to act in accordance with its adopted resolutions and to fulfil its own commitments, as the lives of people of Gorazde directly depend upon a prompt response of this noble body.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia and Herzegovina
to the United Nations

DOCUMENT S/25934

**Letter dated 11 June 1993 from the representative of
Yugoslavia to the President of the Security Council**

*[Original: English]
[11 June 1993]*

I have the honour to transmit herewith the note verbale of the Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia concerning serious border incidents at the Yugoslav-Albanian border, which was handed to the Chargé d'affaires a.i. of the Embassy of the Republic of Albania, at Belgrade on 7 June 1993.

I should be grateful if you would have this letter and the note verbale circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Chargé d'affaires a.i. of the Permanent Mission
of Yugoslavia to the United Nations

TEXT OF THE NOTE VERBALE

The Federal Ministry of Foreign Affairs of the Federal Republic of Yugoslavia presents its compliments to the Embassy of the Republic of Albania and has the honour to draw its attention to 18 serious border incidents (a list of which is enclosed herewith*) that took place at the Yugoslav-Albanian border in the period between 1 January and 31 May 1993.

In this connection, the Yugoslav side has noted that the number of border incidents has significantly increased in contrast to 1992 and expresses its serious concern at this unfavourable and undesirable trend.

However, the fact that all border incidents took place in the territory of the Federal Republic of Yugoslavia and that persons who violated the border regime were always Albanian citizens confirms, beyond doubt, the position of the Yugoslav side, repeated on many occasions, that the incidents are the result of the lack of willingness of the Albanian side to abide by the valid bilateral agreements and international standards regulating the crossing of State borders and movement in border areas and to prevent illegal crossings of Albanian citizens to the territory of the Federal Republic of Yugoslavia. The Yugoslav side has to note once again that its repeated appeals to the Albanian side to that effect have, regrettably, met with no response.

Similarly, despite the repeated proposal of the Yugoslav side for holding a meeting of the Main Joint Yugoslav-Albanian Commission for Border Incidents, the Albanian side has been postponing it since June 1992 without providing a viable and justified reason.

* The list is not reproduced in the present *Supplement*; it may be consulted in the files of the Secretariat.

Consequently, a situation has been created at the Yugoslav-Albanian border in which new incidents with similar or even more serious consequences cannot be excluded. Such a situation requires an early meeting of the Main Joint Yugoslav-Albanian Commission for Border Incidents, and the Yugoslav side takes this opportunity to propose once again that a meeting of this Commission be held at the earliest possible convenience since it is the only possible form of bilateral settlement of open border questions, including harmonization of preventive measures to reverse such undesirable trends at the Yugoslav-Albanian border, which would be in the interest of the overall relations between the two countries and of peace and stability in the Balkans and beyond. An early reply to this request would therefore be highly appreciated.

DOCUMENT S/25937*

Letter dated 14 June 1993 from the representative of the United Arab Emirates to the Secretary-General

*[Original: Arabic]
[14 June 1993]*

On instructions from my Government, I have the honour to transmit herewith the text of the final statement issued on the outcome of the work of the Ministers for Foreign Affairs of the Damascus Declaration States at their meeting held at Abu Dhabi on 12 and 13 June 1993.

I should be grateful if you would have this letter and the final statement circulated as a document of the General Assembly and of the Security Council.

*(Signed) Mohammad J. SAMHAN
Permanent Representative of the United Arab Emirates
to the United Nations*

TEXT OF THE FINAL STATEMENT

The Ministers for Foreign Affairs of the Damascus Declaration States held their seventh meeting on Saturday and Sunday, 22 and 23 Dhu'l-hijjah A.H. 1413, corresponding to 12 and 13 June 1993, at Abu Dhabi under the chairmanship of Mr. Rashid Abdullah al-Noaimi, Minister for Foreign Affairs of the United Arab Emirates, and in the presence of:

Sheikh Mohammed Bin Mubarak Al Khalifa, Minister for Foreign Affairs of Bahrain;

His Royal Highness Prince Saud al-Faisal, Minister for Foreign Affairs of Saudi Arabia;

Mr. Farouk al-Shara', Minister for Foreign Affairs of the Syrian Arab Republic;

Mr. Yousef Bin al-Alawi Bin Abdulla, Minister for Foreign Affairs of Oman;

Sheikh Hamad Bin Jassem Bin Jabr Al Thani, Minister for Foreign Affairs of Qatar;

Sheikh Sabah al-Ahmad al-Jaber al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of Kuwait;

Mr. Amre Moussa, Minister for Foreign Affairs of the Arab Republic of Egypt.

The Ministers reviewed the developments in the regional and international situation and noted with extreme concern that the Iraqi regime was continuing to procrastinate in the implementation of fundamental aspects of the Security Council resolutions relating to its aggression against Kuwait by its refusal to release detained and imprisoned Kuwaitis and nationals of third States, its refusal to be bound by the decisions of the United Nations technical commission to demarcate the boundary between the two countries, its failure to implement the Security Council resolutions concerning payment of compensation due by reason of its legal liability for the damage arising out of its aggression and its procrastination in returning all Kuwaiti property and in eliminating all weapons of mass destruction.

The Ministers condemn the Iraqi regime's continued issuance of hostile statements and the increase of threats against Kuwait and the States of the Gulf Cooperation Council, which present a threat to security and stability in the region. They affirm their full support for Kuwait in confronting these threats. They also express their satisfaction at the conclusion of the work of the United Nations Iraq-Kuwait Boundary Demarcation Commission. The Ministers welcome Security Council resolution 833 (1993), which gave final endorsement to the conclusions of the Iraq-Kuwait Boundary Demarcation Commission, guaranteeing the inviolability of the international boundary between the two countries under the provisions of Chapter VII of the Charter of the United Nations, because that resolution constitutes a genuine contribution to the promotion of security and stability in the region. The Ministers reaffirm their wholehearted desire for the unity and territorial integrity of Iraq and place on the Iraqi regime full responsibility for the suffering to which the Iraqi people is exposed as a result of refusal to implement the Security Council resolutions relating to its aggression against Kuwait.

The Ministers also reviewed the situation of relations with the Islamic Republic of Iran. In this connection, they state that the development of these relations is required by the principles of Islamic brotherhood and necessitates on the part of Iran respect for the principles of sovereignty and territorial integrity, non-intervention in the internal affairs of States and refraining from threats to stability and peace in the region. They have great hopes that this may be achieved in the future, which would serve the interests of all. The Ministers reaffirm their absolute support and backing for the sovereignty of the United Arab Emirates over its three islands, the Greater Tunb, the Lesser Tunb and Abu Musa, and reiterate their full support for all peaceful measures and means that may be adopted by the United Arab Emirates to recover its sovereignty over its three islands.

* Circulated under the double symbol A/48/209-S/25937.

The Ministers observed with interest the desire of the two States to engage in further dialogue to deal with this problem.

The Ministers affirm their full solidarity and absolute support for the measures taken by the Kingdom of Saudi Arabia to ensure the safety of pilgrims to the Holy City of Makkah and to enable them to perform the obligation of the pilgrimage in safety, comfort and tranquillity, in accordance with the teachings of the Islamic religion.

The Ministers considered the developments in the peace process in the Middle East and reaffirmed the commitment of their States to support the peace negotiations aimed at arriving at a just and comprehensive solution to the Palestinian question and the Arab-Israeli conflict, on the basis of Security Council resolutions 242 (1967), 338 (1973) and 425 (1978), the principle of land for peace, the achievement of a complete Israeli withdrawal from all the occupied Arab territories, including Jerusalem, the occupied Syrian Golan and southern Lebanon, the guaranteeing of the legitimate national rights of the Palestinian people, including its right to self-determination and its establishment of its independent State on its national territory, in order to guarantee security and stability in the region.

The Ministers express their appreciation for the efforts being made by the two sponsors of the Peace Conference and call on the United States in particular to play the role of full partner and to develop it in an effective and objective way so as to ensure full and faithful adherence to the foundations, principles and authority of the Peace Conference, in particular the principle of land for peace and the implementation of the relevant Security Council resolutions.

The Ministers regard all of Israel's continued practices and acts of aggression against the Palestinian people and the Arab occupants of the Palestinian and Arab occupied territories as a flagrant violation of international law, the Fourth Geneva Convention of 1949¹ and the principles and authority of the peace process and as a genuine threat to chances of success for this process, for which Israel bears responsibility *vis-à-vis* the international community. They also call on the Security Council to take practical and immediate measures for the implementation of resolution 799 (1992) for the return of the Palestinian deportees to their homes.

The Ministers welcome the coordination between the Arab States participating in the bilateral peace talks at their meeting held at Amman on 6 June 1992, with the participation of the Minister for Foreign Affairs of the Arab Republic of Egypt, and the agreement to intensify contacts with the two sponsors of the peace process, with the aim of ensuring their serious intervention to achieve an essential advance in the talks.

The Ministers are following with extreme concern recent developments in Somalia that have become critical as a result of the attack on United Nations forces by certain Somali fighting groups and their failure to abide by the agreement concluded between the Somali groups. The Ministers also appeal to these groups to place the national interest first and

abide by Security Council resolutions and United Nations efforts to ensure the achievement of security and stability in Somalia.

The Ministers followed with deep concern the continuing grievous human tragedy of the people of the Republic of Bosnia and Herzegovina due to the continued evil aggression by Serbian irregular forces, supported by Serbia and Montenegro, in violation of United Nations instruments and international law and in defiance of international legitimacy.

The Ministers vehemently condemn the continued Serbian aggression against the Republic of Bosnia and Herzegovina and the perpetration by the Serbian forces of the most repugnant crimes of genocide, ethnic cleansing, which is a crime against humanity, arbitrary killings, organized rape, terrorism, displacement of persons, starvation and destruction of houses and places of worship. The Ministers urge the Security Council to take all necessary measures under Article 42 of the Charter, including the lifting of the arms embargo imposed on the Republic of Bosnia and Herzegovina so as to enable it to exercise its right of self-defence and resort to military force, in order to restore international peace and security and to compel the forces of aggression to abide by the resolutions of international legitimacy, bar any reward of the aggressors by preventing changes in the demographic composition or territorial gains and to compel the Serbian forces to withdraw and respect the independence, sovereignty and unity of the Republic of Bosnia and Herzegovina.

In this connection, the Ministers welcome the adoption by the Security Council of its resolution endorsing the use of military force to bring down Serbian aircraft violating the no-fly zone in the airspace of the Republic of Bosnia and Herzegovina, regarding this as a step in the right direction. The Ministers also express their satisfaction at the adoption last February of a Security Council resolution for the establishment of an international tribunal for the prosecution of persons responsible for the crimes against humanity committed in Bosnia, in accordance with the Geneva Conventions. The Ministers urge the international community to tighten the sanctions and to increase the pressure on Serbia and Montenegro.

The Ministers welcomed the independence of the State of Eritrea and wish every success to the Eritrean leadership and prosperity to the Eritrean people. They hope that the independent State of Eritrea will be a positive addition and an effective factor for the establishment of security and stability in the region.

The Ministers expressed their thanks and appreciation to the Government and people of the United Arab Emirates for hosting this meeting and for the warm reception and generous hospitality that they received.

The Ministers welcomed the kind offer extended by the Syrian Arab Republic to host the next meeting of the Ministers for Foreign Affairs of the eight States in December 1993.

DOCUMENTS S/25939* AND ADD.1

Report of the Secretary-General pursuant to Security Council resolution 836 (1993)

DOCUMENT S/25939

[Original: English]
[14 June 1993]

INTRODUCTION

1. In paragraphs 4 and 5 of its resolution 836 (1993) of 4 June 1993, the Security Council decided to ensure full respect for the safe areas referred to in resolution 824 (1993) - Bihac, Gorazde, Sarajevo, Srebrenica, Tuzla and Zepa - and extended the mandate of the United Nations Protection Force (UNPROFOR) to deter attacks against these safe areas, to monitor the cease-fire, to promote the withdrawal of military and paramilitary units and to occupy some key points on the ground, in addition to the protection of humanitarian convoys under resolution 776 (1992). In paragraph 7 of resolution 836 (1993), the Council requested the Secretary-General to redeploy to the extent possible or to reinforce UNPROFOR to implement the resolution and, in paragraph 8, it invited the Secretary-General to seek additional contingents from Member States for that purpose. In paragraph 9, the Council authorized UNPROFOR to take the necessary measures, including the use of force, in self-defence, in reply to bombardments of or armed incursions into the safe areas, or to any deliberate obstruction of the freedom of movement of UNPROFOR or of protected humanitarian convoys. In paragraphs 10 and 11, the Council authorized Member States to take, in close coordination with the Secretary-General and UNPROFOR, all necessary measures through the use of air power to support UNPROFOR in the performance of its mandate. The present report is submitted in response to paragraph 12 of the resolution and seeks to provide the Council with an analysis of the modalities for implementation of the resolution.

I. ANALYSIS OF TASKS

2. It is assumed that the tasks being carried out under the existing UNPROFOR mandate for Bosnia and Herzegovina must continue to be performed. A combination of these functions and the additional responsibilities entrusted to UNPROFOR in resolution 836 (1993) suggests that additional troops would be necessary to perform the following tasks in specific relation to the safe areas:

- (a) Deterrence of attacks;
- (b) Monitoring of the cease-fire;
- (c) Promotion of the withdrawal of military or paramilitary units other than those of the Government of Bosnia and Herzegovina;
- (d) Occupation of key points;

(e) Protection of humanitarian relief delivery and distribution.

3. In order to establish the capacity to perform these tasks, UNPROFOR will need to deploy within the safe areas, around their perimeters and at key points outside them, in order:

(a) To monitor and control access to the safe areas by means of checkpoints, where access roads cross the perimeters of those areas, and at other important points;

(b) To offer a response, as necessary and practicable, to attacks against the safe areas against convoys to and from such safe areas, and against UNPROFOR personnel;

(c) To monitor the safe areas for possible breaches of the cease-fire and discourage such breaches;

(d) To monitor surrounding areas in order to detect current military actions and future intentions;

(e) To patrol and monitor areas from which units might be withdrawn, so as to ensure that they remain demilitarized.

4. The operational concept for keeping the safe areas safe, and the number of troops required for this purpose, will be determined by the degree of cooperation which it is assumed that the belligerent parties will provide. It is however clear that, regardless of troop levels, UNPROFOR forces must be equipped with both the means necessary for self-defence against any likely threat and the physical protection needed to perform essential tasks in relative safety. Any forces deployed must therefore possess appropriate levels of protection, mobility and fire-power. Since it is assumed that UNPROFOR ground troops will not be sufficient to resist a concentrated assault on any of the safe areas, particular emphasis must be placed on the availability of a credible air-strike capability provided by Member States. This would require the deployment of Forward Air Controllers (FACs) in order that the force-multiplying characteristics of air power may be fully exploited if necessary. In keeping with the provisions of paragraph 10 of resolution 836 (1993), I have asked the North Atlantic Treaty Organization (NATO), which is already assisting the United Nations in the implementation of several earlier Security Council resolutions, to prepare plans for provision of the necessary air support capacity, in close coordination with me and my Special Representative for the former Yugoslavia. In a letter dated 11 June 1993 from its Deputy Secretary-General, NATO confirmed its willingness to offer "protective air power in case of attack against UNPROFOR in the performance of its overall mandate, if it so requests."

II. ADDITIONAL FORCE REQUIREMENTS

5. A military analysis by UNPROFOR has produced a number of options for the implementation of resolution 836 (1993), with corresponding force levels. In order to ensure full respect for the safe areas, the Force Commander of UNPROFOR estimated an additional troop requirement at an indicative level of approximately 34,000 to obtain deterrence

* Incorporating document S/25939/Corr.1 of 16 June 1993.

through strength. However, it would be possible to start implementing the resolution under a "light option" envisaging a minimal troop reinforcement of around 7,600. While this option cannot, in itself, completely guarantee the defence of the safe areas, it relies on the threat of air action against any belligerents. Its principal advantage is that it presents an approach that is most likely to correspond to the volume of troops and material resources which can realistically be expected from Member States and which meets the imperative need for rapid deployment. It could form the core of a subsequent increased presence in the event that further troop reinforcements become necessary.

6. This option therefore represents an initial approach and has limited objectives. It assumes the consent and cooperation of the parties and provides a basic level of deterrence, with no increase in the current levels of protection provided to convoys of the Office of the United Nations High Commissioner for Refugees. It does however maintain provision for the use of close air support for self-defence and as a supplementary deterrent to attacks on the safe areas. The additional requirement is for two mechanized battalions in the Sarajevo area, one mechanized battalion each in the Gorazde and Tuzla areas, and one mechanized battalion in order to control the Metkovic-Mostar-Sarajevo route, with UNPROFOR's presence at Srebrenica, Zepa and Bihac depending essentially on existing resources. At the present stage, therefore, the basic requirements, including support units, are as follows:

- 1 composite headquarters and headquarters company (250 all ranks) to strengthen the command and control capacity of UNPROFOR's Bosnia and Herzegovina Command
- 5 mechanized infantry battalions (900 all ranks each; 4 for safe areas/1 for route control)
- 1 armoured reconnaissance battalion (450 all ranks; with 4 reconnaissance squadrons, 110 all ranks each)
- 1 air unit (200 all ranks, with helicopters for air reconnaissance and casualty evacuation)
- 1 signals unit (150 all ranks)
- 1 logistics battalion (400 all ranks)
- 1 field engineer battalion (300 all ranks; with 2 field engineer companies for mine clearance and construction and road maintenance and 1 logistics unit)
- 1 medical unit (250 all ranks).

The above amounts to some 7,600 personnel at the present stage. This includes the reinforcement of the infantry battalions at Sarajevo by an additional 500 all ranks each in two cases and by an additional 100 all ranks in the case of the third battalion, together with the necessary equipment. The construction of winterized accommodation for these troops will also be essential. A total of approximately 500 additional civilian personnel (60 international Professional, 50 General

Service/Field Service and 390 local staff) will also be required. Depending on UNPROFOR's experience in the safe areas, additional civil police and military observer needs may in due course be identified.

7. On the basis of initial contacts with Member States, I am hopeful of obtaining most of the military personnel immediately required. Several potential troop-contributing countries have, however, indicated difficulties in providing the equipment that would be essential for their personnel to deploy in these areas. Without the armoured personnel carriers, other vehicles, communications and other essential equipment, weapons systems and logistic support integral to an efficient mechanized and armoured battalion, the tasks envisaged simply cannot be performed. I would therefore appeal to Member States, especially those that are not in a position to provide additional troops, to make contributions of such equipment. I would also ask for them to consider making available air transportation for the deployment of troops and equipment free of cost or at competitive commercial rates. In the absence of such support, I am concerned that the acquisition and deployment of the necessary elements would take so long as to undermine the very purpose of the resolution. It need hardly be emphasized that the troops can be deployed only when the necessary equipment is available and they have been trained in its use prior to deployment in the mission area.

III. OBSERVATIONS

8. As the analysis above indicates, the implementation of resolution 836 (1993) will require the deployment of additional troop resources on the ground as well as the provision of air support. I have initiated contacts with Member States to solicit contributions in both respects and have invited NATO to coordinate with me the use of air power in support of UNPROFOR. It is of course understood that the first decision to initiate the use of air resources in this context will be taken by the Secretary-General in consultation with the members of the Security Council.

9. I would recommend that the Security Council approve the arrangements outlined above. I shall of course keep the situation under constant review and return to the Council should additional deployment be required and prove feasible.

10. At the same time, I should like to recall the overwhelming importance of seeking a comprehensive political solution to the conflict in Bosnia and Herzegovina. It is essential that the parties work with the international community to end the war and offer a future of peace and progress to all the suffering peoples in that area. A negotiated and equitable settlement would enable the international community to devote its resources to reconstruction and development rather than to successive expansions of the United Nations military activities in the former Yugoslavia. In this connection I commend the efforts of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia.

11. Preliminary estimates of the costs of the proposals contained in the present report will be circulated shortly as an addendum.

DOCUMENT S/25939/ADD.1

[Original: English]
[17 June 1993]

1. In paragraph 11 of document S/25939 above, I indicated that the preliminary estimates of the costs to the United Nations of the proposals to enlarge the mandate and strength of the United Nations Protection Force (UNPROFOR) would appear separately as an addendum.

2. The additional responsibilities to be undertaken by UNPROFOR and the proposed increase in its strength are set out in paragraphs 2 and 6 of document S/25939 above.

3. It is estimated that the cost associated with the additional responsibilities to deter attacks against the safe areas, monitor the cease-fire, promote the withdrawal of military and paramilitary units and to occupy some key points on the ground will amount to some \$249.9 million for an initial six-month period. It is further estimated that the monthly cost thereafter will be approximately \$26 million. A breakdown of the estimated cost for the first six-month period, by main categories of expenditure, is provided for information purposes in the annex to the present addendum.

4. It would be my recommendation to the General Assembly, should the Security Council decide to approve the proposed course of action and enlarge the mandate and strength of UNPROFOR, that the additional cost relating thereto should be considered an expense of the Organization to be borne by Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States be credited to the UNPROFOR special account.

ANNEX

Cost estimate of the additional costs to the United Nations for the activities of UNPROFOR

(Thousands of United States dollars)

<i>Objects of expenditure</i>	<i>Initial six months</i>
1. Military component	
(a) Contingent personnel	69 545
(b) Other costs pertaining to contingents	13 100
2. Civilian staff costs ^a	29 853
3. Premises/accommodation	51 296
4. Air operations	16 252
5. Transport operations	14 816

6. Communications	10 755
7. Miscellaneous equipment	31 385
8. Miscellaneous supplies, services, freight and support costs	12 909
Total	<u>249 911</u>

^aProvides for 110 international staff, 390 locally recruited staff and 943 international contractual personnel.

DOCUMENT S/25940

Letter dated 11 June 1993 from the representative of Denmark to the Secretary-General

[Original: English]
[14 June 1993]

I have the honour to transmit herewith the text of a statement on Cambodia elections issued by the European Community and its member States on 10 June 1993.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

(Signed) Bent HAAKONSEN
Permanent Representative of Denmark
to the United Nations

TEXT OF THE STATEMENT

[Original: English/French]

The Community and its member States wish to congratulate the people of Cambodia on the historic and successful elections of representatives for a constituent assembly. The impressive high voter participation in spite of the special atmosphere that surrounded the election is a victory for democracy and for the peace process.

The Community and its member States also wish to congratulate and thank the Secretary-General, UNTAC [United Nations Transitional Authority in Cambodia] and participating international polling station officers for the enormous effort and hard work invested in the preparation and actual implementation of the elections.

The Community and its member States call on all Cambodian parties to abide by their commitment under the Paris agreements to respect the results of the elections, the conduct of which has been characterized as free and fair by all observers. They also call upon the constituent assembly to complete its task of drafting and adopting a new Cambodian constitution within 3 months of the date of elections. They encourage the parties which participated in the elections to work together constructively under the aegis of Prince

Sihanouk, to facilitate the emergence of a Government of reconciliation.

The Community and its member States reaffirm their determination to continue their support for the peace process and for the reconstruction of Cambodia.

DOCUMENT S/25941

Letter dated 11 June 1993 from the representative of Denmark to the Secretary-General

*[Original: English]
[14 June 1993]*

I have the honour to transmit herewith the text in English of a statement on Somalia issued by the European Community and its member States on 8 June 1993.

I should be grateful if you would have the present letter and the statement circulated as a document of the Security Council.

*(Signed) Bent HAAKONSEN
Permanent Representative of Denmark
to the United Nations*

TEXT OF THE STATEMENT

The Community and its member States express their deep concern over the events at Mogadishu in recent days and condemn without reservation the premeditated killing and wounding of Pakistani soldiers who were conducting a weapons verification inspection with UNOSOM II [United Nations Operation in Somalia II]. They express their regret and sympathy to the people and Government of Pakistan, and especially to the families of those who lost their lives.

The Community and its member States reiterate their full support for the United Nations in its efforts to bring peace and stability to Somalia. They look forward to the publication of the Secretary-General's inquiry into the recent incident and the role of the factional leaders involved.

The Community and its member States call on all Somali parties, movements, and factions to respect the cease-fire, to comply with the agreements on political reconciliation they entered into at Addis Ababa in March and to cooperate fully with UNOSOM II so that it can fulfil its essential humanitarian mandate.

DOCUMENT S/25942

Letter dated 14 June 1993 from the representative of Cuba to the President of the Security Council

*[Original: Spanish]
[14 June 1993]*

I have the honour to inform you of the views of my Government regarding the proposal, now before the Security

Council, to adopt a draft resolution which would impose an oil and arms and munitions embargo against the de facto military regime which usurped power in Haiti in 1991.

We are of the view that there is, first and foremost, a need to conduct a serious, in-depth review of the origins of the issue and the developments which have led to the current situation.

Attempts to involve the Security Council in Haiti's problems are not new. As long ago as September 1990, when the then provisional Government of Haiti sought assistance, including advisers, observers and security experts, in the conduct of the electoral process that subsequently resulted in the election victory of Mr. Jean-Bertrand Aristide, today the constitutional President of Haiti, repeated efforts were made to secure Security Council authorization of such assistance.

On that occasion the Group of Latin American and Caribbean States, in a letter to the Secretary-General, stated that the unanimous opinion of the Group had always been that the assistance to Haiti was not an issue related to international peace and security and could not come under the aegis of the Security Council. Further, my delegation, then a member of the Security Council, had the honour, on 12 September 1990, to address the President of the Council, stating that in that connection, it wished to point out that the matter did not fall within the competence of the Security Council since it was an internal affair of Haiti which, moreover, did not affect international peace and security.

Subsequently, in 1991, with the occurrence of the *coup d'état* which installed a cruel, illegal and unconstitutional Government in Haiti, obliging President Aristide to flee into exile, there were further attempts to involve the Security Council in the question.

On both occasions, pursuant to the Charter of the United Nations, it was determined that it was the General Assembly that was responsible for action in the matter: first, the approval of electoral assistance for Haiti, and, secondly, support for the measures taken by the appropriate regional organization in accordance with its constituent charter. Since then the General Assembly has continued to review systematically the question of Haiti and the various measures taken to bring about the return to the country of the constitutional President, Jean-Bertrand Aristide.

The Republic of Cuba, one of Haiti's closest neighbours, was among the first to vigorously condemn the *coup d'état* of December 1991, and has systematically provided forthright support for action intended to secure the return of President Aristide to the country as the means of restoring the constitutional order which the Haitian people themselves opted for through the ballot box, in the only genuinely popular elections held in Haiti in this century.

Yet it should not be overlooked that the predilection of the Haitian armed forces for *coups d'état* is not home-grown, as was also true, by all appearances, of the *coup d'état* that deposed President Aristide. The foreign presence in Haiti, overt or covert, has been a constant element in the history of

the country, and in every case has resulted in the establishment of military governments which have drowned the legitimate aspirations of the Haitian people in blood and violence.

Neither should the reasons why the sanctions imposed by the appropriate regional organization have not produced any result be overlooked. The question arises of how it can have happened that some of those who today are urging the Security Council, in blatant violation of the provisions of the Charter, to consider the question of Haiti, have not been able to act in such a way that the sanctions produced the desired results and the *de facto* military regime failed to consolidate its power, although they have been able to take action to prevent many thousands of Haitians from escaping from the barbaric regime imposed by the military forces.

The question also arises of the true objectives of some of those who claim to be the proponents of a return to constitutional order in Haiti, and of whether they are equally supportive of the return of President Jean-Bertrand Aristide, he being a genuine representative of the Haitian people and not of those other forces active in the complex circumstances today attending that Caribbean country.

The various texts which have recently been circulating unofficially in the ambit of the Council and which apparently advance the thrust of the draft resolution soon to be submitted to the Security Council make particular reference to the impact of the question of the Haitian refugees on international peace and security in the region and add that the continuance of the situation threatens international peace and security in the region. Cuba, as one of Haiti's closest neighbours, has received thousands of refugees from this long-suffering country, perhaps more than any other State of the region, and has never considered that this flow threatened peace and security in the geographical area in which it is situated, but has viewed it as a purely humanitarian question which must be resolved, as it has been doing to date, through the international organizations and bodies which deal with refugees and displaced persons. Accordingly, in the view of my Government, this question does not fall within the mandate accorded the Security Council under the Charter.

Cuba, with all its might, advocates a return of constitutional order in Haiti, and of its sole legitimate representative, President Aristide. This does not, however, prevent a categorical repudiation by Cuba of the adoption of measures concerning the internal situation of Haiti by the Security Council, whose primary responsibility, as set forth in Article 24 of the Charter, is the maintenance of international peace and security, a context which does not embrace the situation prevailing in Haiti, however many pretexts are advanced in an effort to demonstrate the contrary. In the view of Cuba the actions today being sought of the Council, in addition to being illegal under the Charter, establish a dangerous precedent which only serves to buttress the repeated attempts to extend the authority and mandate of the Security Council beyond those laid down in the Charter.

Lastly, Sir, I wish to transmit our best wishes for the people of Haiti and their constitutional authorities headed by President

Aristide and our hope that the aspirations of those who, rightly or not, have placed their trust in the initiative being undertaken by the Council, will not be deceived, as, regrettably, has often been true in the final outcome of many Council initiatives.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Alcibiades HIDALGO BASULTO
*Permanent Representative of Cuba
to the United Nations*

DOCUMENT S/25943

Letter dated 13 June 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[14 June 1993]

In accordance with instructions from my President, and acting under Article 35, paragraph 1, of the Charter of the United Nations, and in view of the continuing Serbian aggression on Gorazde, we demand an urgent meeting of the Security Council as we have not witnessed any actions that would justify the designation of Gorazde as a "safe area".

Two months after the designation of Gorazde as a safe area (Security Council resolution 819 (1993)) and ten days after the adoption of Council resolution 836 (1993) extending the mandate of UNPROFOR [United Nations Protection Force] "to deter attacks against the safe areas", the relentless attacks on the "safe area" of Gorazde continue with unabated intensity.

Today's reports indicate that Gorazde's defence lines have been broken. This will leave 70,000 of the city's inhabitants vulnerable to genocidal slaughter which we have witnessed in Bijeljina, Prijedor, and other geographically isolated cities in Bosnia and Herzegovina.

May I ask for your kind permission in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
*Permanent Representative of Bosnia
and Herzegovina to the United Nations*

DOCUMENT S/25944*

Report of the Secretary-General on the implementation of the recommendations contained in his report "An agenda for peace"

[Original: English]
[15 June 1993]

I. INTRODUCTION

1. In the statement adopted on 31 January 1992 at its first meeting at the level of heads of State and Government [see

* Circulated under the double symbol A/47/965-S/25944.

S/23500], the Security Council invited me to prepare an analysis and draw up recommendations on ways of strengthening the United Nations in the field of preventive diplomacy, peacemaking and peace-keeping.

2. The result was the submission, in June 1992, of my report "An agenda for peace" [S/24111]. In that report, I examined the changing context of international relations and made recommendations on ways to improve the Organization's capacity to pursue and preserve peace. In response to that report the General Assembly established an Informal Open-Ended Working Group, whose work led to the adoption on 18 December 1992 of resolution 47/120 A, entitled "An agenda for peace: preventive diplomacy and related matters". The Security Council has also discussed various aspects of the report and has issued a number of statements, the most recent of which was circulated in document S/25859 of 28 May 1993.

3. The purpose of the present report is to inform the Members of the United Nations of the action which I have taken or am taking in response to General Assembly resolution 47/120 A and the statements of the Security Council.

II. PREVENTIVE DIPLOMACY

4. Member States, in reaction to "An agenda for peace", voiced a widely held desire to improve the ability of the United Nations to receive and analyse early signals on situations of potential conflict. Member States would like to see:

(a) More timely and higher quality information made available to the Secretary-General;

(b) Improved capacity in the Secretariat to analyse the diverse sources of conflicts;

(c) More effective action by the relevant United Nations organs in response to potential or incipient conflicts;

(d) Ready availability of trained Secretariat staff to undertake and/or support early warning and conflict resolution functions;

(e) Better coordination of those activities within the Secretariat, and with the United Nations programmes and agencies, and regional arrangements and organizations.

A. Fact-finding

5. Both the Security Council, in the statement by its President of 30 November 1992 [S/24872], and the General Assembly, in its resolution 47/120 A of 18 December 1992, supported my recommendations on fact-finding. More fact-finding missions will have taken place during the biennium 1992-1993 than in any previous biennium. (Over 40 such missions took place in 1992 alone.) In many cases, a coordinated inquiry was needed into the political, military, humanitarian and developmental aspects of a crisis. Experience so far confirms that an early initiative, careful preparation, and coordination with regional arrangements and organizations are necessary. Information

gathered by fact-finding missions must be analysed in the context of material available from the widest range of sources.

6. To meet these needs the Security Council and the General Assembly asked me to strengthen the capacity of the Secretariat and to consider the secondment of experts. They also pointed out the need for countries involved to respond quickly to requests for information and positively to requests for the dispatch of fact-finding teams. I have issued a standing invitation to all Member States to make available to the United Nations information which may help forestall conflict. Offers to assist and cooperate in fact-finding efforts have been forthcoming from eminent personalities, Member States and regional arrangements and organizations. Throughout the past year I have drawn on outside expertise and shall continue to do so within the financial resources of the Organization or without cost to it.

7. Steps are being taken within the Secretariat to improve the accuracy, cost-effectiveness and quality of information available to me. At present the problem is often not too little information, but too much, with vital indicators mixed with the inconsequential. I have instructed that steps be taken to rationalize our information management systems and ensure that the information available to those responsible for recommending preventive action takes full account of the multidimensional roots of conflicts today. At the same time duplication within departments and offices and between the Secretariat and United Nations agencies and organizations must be avoided.

B. Early warning

8. In its resolution 47/120 A the General Assembly supported the recommendations in my report entitled "An agenda for peace" on early warning functions and encouraged the Secretary-General "to set up an adequate early warning mechanism for situations which are likely to endanger the maintenance of international peace and security". In keeping with that resolution, I shall develop and present a plan for such a mechanism before the opening of the forty-eighth session of the General Assembly. Initial steps have already begun. On the basis of a decision taken by the Administrative Committee on Coordination (ACC) in October 1992, the Department of Humanitarian Affairs has begun monthly consultations with other United Nations departments, agencies and organizations, as well as with a limited number of observers, to develop a mechanism to provide advance warning of situations which might give rise to new flows of refugees and displaced persons.

9. I am also consulting regional arrangements and organizations on the development of cooperative procedures for early warning. I invite Member States to present their views on this matter, indicating, in particular, the practical arrangements they would be willing to undertake in order to fulfil section II, paragraph 3, of resolution 47/120 A, in which Member States were invited to "provide timely early-warning information, on a confidential basis when appropriate, to the Secretary-General".

10. Finally, in response to another request in resolution 47/120 A, I am improving the Secretariat's training programmes for political affairs officers, including a training component in preventive diplomacy and early warning. This work will be carried out in close cooperation with the Geneva-based fellowship programme which the United Nations Institute for Training and Research, in cooperation with the International Peace Academy, has recently developed for preventive diplomacy.

C. Measures to build confidence

11. Confidence-building measures can be an integral part of conflict prevention and peace-building in all areas of the world. The General Assembly, in its resolution 47/120 A, supported my intention to consult with Member States and regional arrangements and organizations on further confidence-building measures. There can be no fixed set of measures which will be appropriate for all regions. Each region will need to explore options and agree on measures acceptable to all States involved, taking account of history and present politics. The United Nations can play a catalytic role by encouraging an exchange of ideas and facilitating communication. United Nations confidence-building missions to volatile regions with the agreement of the key parties could serve to identify measures which otherwise might be overlooked or neglected.

12. In the past, most confidence-building measures have dealt with the military aspects of security. Extensive European experience is available in this field. In some other regions procedures and mechanisms of a purely political and diplomatic nature are being developed. The United Nations stands ready to support such efforts.

13. I have asked regional arrangements and organizations to give me their views on confidence-building in their respective areas of competence. I will report on the replies received in due course.

III. PEACEFUL SETTLEMENT OF DISPUTES

14. Between the tasks of preventing conflicts and keeping the peace lies the task of bringing hostile parties to agreement by peaceful means. Member States have given overwhelming support to my recommendations for the peaceful settlement of disputes.

15. In its resolution 47/120 A, the General Assembly encouraged the Security Council to utilize fully the provisions of Chapter VI of the Charter of the United Nations on procedures and methods for peaceful settlement of disputes. It also encouraged the Secretary-General and the Security Council to engage at an early stage in close and continuous consultation in order to develop, on a case-by-case basis, an appropriate strategy for the peaceful settlement of specific disputes.

16. At present, some 70 areas of conflict or potential conflict are said to exist throughout the world. Chapter VI of the Charter sets out a comprehensive list of procedures and

methods for peaceful settlement, and the United Nations has had wide experience in their application. The last several years have seen an expanded use of such methods, adapted on an ad hoc basis to each specific situation. The following means have been used: fact-finding missions; goodwill missions; special envoys/mediators; Friends of the Secretary-General; stationing of observers; and human rights monitoring. These means are intended primarily to attain four objectives, namely, collecting reliable, first-hand information; demonstrating the interest of the international community; performing good offices functions; and contributing to a climate of trust between all parties concerned and encouraging a sense of security.

17. In the past year, special envoys or missions were dispatched, in some cases on several occasions, to the former Yugoslavia, several of the newly independent States which emerged from the Soviet Union, Guatemala, Haiti, Israel, Liberia, the Libyan Arab Jamahiriya, Rwanda, Solomon Islands, Somalia and South Africa, and East Timor.

18. Missions are often a first step towards further involvement of the international community. The stationing of observers in Georgia, South Africa and Tajikistan, for example, was a direct result of recommendations made by special envoys of the Secretary-General. In Haiti, the Special Envoy appointed jointly by myself and the Secretary-General of the Organization of American States is conducting a complex negotiation to re-establish human rights and democracy in that country, which has already led to the deployment of a civilian mission to monitor human rights there.

19. Newly independent States, such as Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Ukraine and Uzbekistan, have welcomed the establishment of United Nations interim offices in their countries. These offices, which are an experiment in better organizing the multifarious activities of the United Nations in a particular country, carry out the normal developmental and public information functions. They also provide the Secretary-General with an invaluable resource which can be used in support of his efforts at preventive diplomacy and the peaceful settlement of disputes, as mandated by the General Assembly or the Security Council. I shall be presenting to the General Assembly at its next regular session a comprehensive report on the interim offices and their future development.

20. A group of Member States, informally constituted as "Friends of the Secretary-General", has played a helpful role in the settlement of the long-standing conflict in El Salvador. Similar groups have been formed or are under consideration for the situations in Haiti and Afghanistan. This arrangement provides the Secretary-General with an informal forum for the exchange of ideas and with a source of diplomatic support from interested countries. It is an arrangement which I intend to use in other contexts.

IV. HUMANITARIAN ASSISTANCE

21. The demands for humanitarian assistance are growing in an increasing variety of situations. Hardly a day goes by

when the international community is not asked to provide humanitarian relief to people trapped in natural or man-made disasters or fleeing them. More and more appeals for assistance are coming from or on behalf of victims of conflicts within Member States. In some cases, military protection for humanitarian relief is required.

22. The Security Council and the General Assembly asked that more be done to strengthen the capacity of the United Nations for humanitarian assistance through coordinated planning and implementation involving the Departments of Political Affairs, Peace-keeping Operations and Humanitarian Affairs. Humanitarian concerns should be reflected in fact-finding missions and in peace-keeping operations. I fully agree. Humanitarian assistance is closely connected with preventive diplomacy, early warning and the maintenance of international peace and security. It is associated with fact-finding, the prevention of conflicts and emergencies, and with peacemaking, peace-keeping and peace-building. I have taken measures to ensure that the necessary coordination takes place between the Departments of Political Affairs, Peace-keeping Operations and Humanitarian Affairs as well as between all United Nations organizations and agencies. Training programmes for humanitarian assistance are also being developed.

23. Steps have also been taken to develop a specific humanitarian dimension in the integrated early warning approach of the United Nations. On the one hand, humanitarian emergencies may constitute threats to international peace and security or aggravate existing threats; on the other hand, disturbances of the peace may give rise to humanitarian crises. For both reasons humanitarian indicators are being included as an integral part of information-gathering and analysis. I shall bring to the attention of the appropriate organs of the United Nations any situation requiring urgent humanitarian assistance.

24. In the provision of humanitarian assistance, every effort is made to ensure the safety of relief personnel, to avert or mitigate emergency situations, and to prepare the path towards rehabilitation and development, thereby contributing to the goal of post-conflict peace-building. The safety of United Nations personnel is further discussed in section IX of the present report.

25. A matter of special concern in the provision of humanitarian assistance is the need to clear land-mines which infest all areas where conflict has occurred or has been planned. I have instituted a coordinated programme of action for demining involving the Department of Humanitarian Affairs, the Department of Peace-keeping Operations and other relevant partners. Considerable progress is being made.

V. PEACE-KEEPING

26. During the last nine months, the demand for United Nations peace-keeping has continued to grow. Some 60,000 civilian and military personnel now serve in 13 United Nations peace-keeping operations world wide. The operation in Somalia will bring this figure close to 90,000, and additional

operations being considered would raise it well above the 100,000 mark this year. Peace-keeping is in a state of rapid evolution as the United Nations is asked to undertake increasingly complex and dangerous tasks. In Somalia new ground has been broken by giving a United Nations operation the authority to enforce, under Chapter VII of the Charter, the decisions of the Security Council. In the former Yugoslav Republic of Macedonia, United Nations peace-keepers have for the first time been deployed in a preventive manner.

27. The expansion of United Nations operations has placed increasingly heavy burdens on Member States. In June last year, I was able to report that Member States were keen to participate in peace-keeping operations and that military observers and infantry were invariably available. This is no longer generally the case. Difficulties which were previously encountered only when specialized logistic units were sought now arise also in the case of infantry and military and police observers.

28. I have noted the suggestions made by the Security Council in the President's statement of 29 October 1992 [S/24728] and by the General Assembly in its resolution 47/71 of 14 December 1992, on the comprehensive review of the whole question of peace-keeping operations in all their aspects.

29. I have taken action to improve and speed up the process whereby the Organization obtains personnel or formed units from Member States for new peace-keeping operations or for the expansion of existing ones. A special planning team comprising military officers made available by Member States has defined standard components to be regarded as "building blocks" from which various types of operation may be constructed. The team has briefed delegations on its work and Member States have been invited to enter into discussions with the Secretariat in order to reach agreement on which of the building blocks they would in principle be ready to provide, if asked. The advantages of such stand-by agreements for the Organization are obvious. For the Member States, too, they will simplify planning and budgeting, as well as the training of the personnel concerned.

30. The growth in peace-keeping has profoundly affected the operations of the Organization. There is not a single administrative entity in the Secretariat which has not been required to assign staff to one or more of the peace-keeping operations. The demands have now grown to such an extent that it is no longer possible to fill all the positions in the field with existing Secretariat staff. New ways have therefore had to be sought to bring in additional personnel on a temporary basis. I have accordingly invited Member States to designate qualified personnel who may be considered for secondment to a United Nations peace-keeping operation; I have also accepted offers by Member States to make such personnel available on loan. In a number of cases, it has been necessary to turn to contractors for support services for the operations in the field normally provided by United Nations staff.

31. At Headquarters, the units directly involved in peace-keeping, notably the Department of Peace-keeping Operations and the Field Operations Division within the

Department of Administration and Management, are in the process of being strengthened, partly through the redeployment of Secretariat staff and partly with military staff on loan from Member States. Utilizing the latter, a military planning cell has been formed within the Department of Peace-keeping Operations. In addition, a Situation Room has been created, staffed by military officers, to maintain a continuous link, initially with the operations in Somalia and in the former Yugoslavia. I am studying the setting up of an integrated Situation Room which will cover the United Nations peace-keeping operations world wide in all their aspects. I should point out, however, that redeployment within the Secretariat will not be sufficient to meet the substantial additional staff requirements, while the loan of staff by Member States is essentially a short-term measure which cannot be used to establish permanent structures. It would thus be unrealistic to expect that all needs can be met from existing resources.

32. I am conscious of the mounting cost of peace-keeping and the burdens this entails for Member States. At the same time, I am convinced that peace-keeping remains good value for money. I very much welcome, therefore, General Assembly resolution 47/217 of 23 December 1992, by which the Assembly authorized the establishment of a Peace-keeping Reserve Fund of \$150 million. While the Reserve Fund was intended to enhance the Organization's ability to respond to crises, only some \$64 million has so far been transferred to the Fund. The remaining \$86 million can be financed only when sufficient amounts of arrears are paid towards outstanding assessed contributions to the regular budget.

33. Moreover, as a result of significant unpaid peace-keeping assessments by Member States, it has been necessary to draw on this reserve and the Fund is now almost exhausted. It should also be noted that a significant amount is due to troop-contributing States, particularly in connection with the newer peace-keeping operations.

34. In the same context, I hope that the General Assembly will consider favourably at its next session my proposal that it appropriate one third of the estimated cost of each new peace-keeping operation as soon as the Security Council has decided to establish it.

VI. PEACE-BUILDING

A. Democratization and electoral assistance

35. In analysing global trends beyond the cold war, my report entitled "An agenda for peace" took account of the groundswell of popular support for greater participation in political processes. Broader individual involvement and greater government accountability are becoming twin attributes of a movement towards the establishment of democratic institutions. Member States are creating, and being subjected to, international pressure to view democratization as a crucial factor in political stability, social harmony and economic advancement.

36. In response to specific requests from Member States, the United Nations is taking on a wide array of responsibilities in assisting progress towards democratization within States. The most frequent requests are for electoral assistance in:

- (a) Organization and conduct of elections;
- (b) Supervision;
- (c) Verification;
- (d) Observation;
- (e) Coordination and support of the activities of other international observers;
- (f) Technical help.

37. In the Secretariat in New York, I have created a new unit to deal with requests from Member States for electoral assistance. In the short period of its existence, this unit has handled 36 such requests. Two came from Asia, 4 from Eastern Europe, 4 from Latin America and 26 from Africa. Of the total, 2 relate to organization and conduct, 4 to verification, 26 to technical assistance, 9 to coordination and support, and 7 to a follow-up and report on the situation. It should be borne in mind that until very recently, when it was decided to accept a request to monitor the elections in Nicaragua which opened the door to peace in that country, the United Nations regularly turned down all requests except those for technical assistance. We have since successfully monitored several elections and have several others in preparation.

38. The experience of the United Nations in this relatively new field has already driven home some political realities. Personnel, material, technical and financial assistance are not enough to create a political culture of democracy. Democratic values must be willingly accepted by the entire society. A prerequisite for democratization is that democracy must grow roots in its own soil. Given the lack of democratic tradition in some countries, it cannot be assumed that the choice of the electorate will always be respected, as has been tragically illustrated in recent months in Angola.

39. Although the United Nations is currently viewed as a primary source of electoral assistance, its role in this field should diminish over time as countries develop their own expertise and institutions to support democratic processes. A decline in demand for United Nations assistance may indicate that the Organization has fulfilled its initial role successfully and can focus on other important elements of the democratization and peace-building processes.

B. Post-conflict peace-building

40. The Security Council addressed the importance of building strong foundations for peace in post-conflict situations in the President's statement of 30 April 1993 [S/25696]. The Council supported specific measures I had proposed and added new elements to strengthen national political structures and institutional capabilities. The Council,

stressing the importance and urgency of the Organization's work in the field of development cooperation, encouraged coordinated action by other components of the United Nations system to remedy the underlying causes of threats to peace and security.

41. I welcome the Council's recognition that post-conflict peace-building has a vital role in restoring a sound basis for sustainable peace and that there is a need to address the roots of a conflict, in an integrated manner, in order to prevent its recurrence.

42. In building foundations for peace, all components of the United Nations have to work closely together. Peace-building is a multidimensional and interdisciplinary concept. In this connection, I have recommended, *inter alia*, that the Security Council invite a reinvigorated and restructured Economic and Social Council to provide reports, in accordance with Article 65 of the Charter, on those economic and social developments that may, unless mitigated, threaten international security. I hope that discussion will continue on ways to put this recommendation into practice.

43. The Security Council stressed in its statement that the organizations and agencies of the United Nations system, in the development and implementation of their programmes, need to be sensitive to the United Nations common goal of strengthening international security. The Secretary-General, as chief administrative officer of the United Nations and Chairman of ACC, has great responsibility in this regard. I am continuing my consultations in ACC and I intend to take further steps to enhance the coordination of our organizations towards this purpose.

44. The steps I am taking to ensure that those responsible for recommending preventive action take full account of the multidimensional roots of conflicts today, mentioned in paragraph 7 above, will also assist me in devising better measures for building peace in post-conflict situations. Better analysis of economic and social factors which have a bearing on political and military developments will help me, and the relevant organs and agencies of the United Nations, to propose action to deter conflict and build foundations for a lasting peace.

VII. COOPERATION WITH REGIONAL ARRANGEMENTS AND ORGANIZATIONS

45. In my report entitled "An agenda for peace" I recommended greater involvement of regional arrangements and organizations in the peace-related activities of the United Nations. Member States have supported those recommendations. On 28 January 1993 [see S/25184], the Security Council invited regional arrangements and organizations to give priority consideration to studying ways and means of strengthening their structures and functions to correspond to the concerns of the United Nations about international peace and security.

46. The replies received to that invitation will assist in putting together a set of principles governing cooperation

between the regional arrangements and organizations and the United Nations, including, it is hoped, a greater sharing of responsibility. The call in my report entitled "An agenda for peace" for stronger reliance upon regional efforts came before regional arrangements and organizations had fully adjusted to the end of bipolarity. It is now clear that the transformation of the international landscape will involve new tensions as intra-State conflicts increase and the United Nations must find the right balance between its limited resources and the demands placed on it. In this time of change not all regional arrangements may prove willing or able to take on the challenges confronting them.

47. Nevertheless significant progress has recently been made in strengthening mechanisms for cooperation between the United Nations and regional arrangements and organizations and, more particularly, in effective joint ventures between them in the field. Examples include:

(a) The association of the Organization of African Unity, the Organization of the Islamic Conference and the League of Arab States with the United Nations Operation in Somalia (UNOSOM);

(b) Continuing progress by the United Nations and the Organization of African Unity in drafting a treaty on the denuclearization of Africa;

(c) Close cooperation, and agreed divisions of labour, between the United Nations and the Conference on Security and Cooperation in Europe in various actual or potential areas of conflict in the republics of the former Soviet Union and elsewhere in Europe, including Georgia, Moldova, Nagorny-Karabakh, Tajikistan and the former Yugoslav Republic of Macedonia;

(d) The establishment by the Secretary-General and the then Presidency of the European Community of the International Conference on the Former Yugoslavia, together with close cooperation in the field between the United Nations Protection Force (UNPROFOR) and the European Community Monitoring Mission;

(e) The cooperation between the United Nations and the Organization of American States to restore human rights and democracy in Haiti; this has involved the joint appointment of a Special Envoy by the two Secretaries-General and the deployment of an international civilian mission to monitor human rights, which includes contingents of monitors appointed by each organization;

(f) The North Atlantic Treaty Organization's provision of assistance to the United Nations in monitoring and enforcing the no-fly zone in the airspace of Bosnia and Herzegovina.

VIII. SANCTIONS AND SPECIAL ECONOMIC PROBLEMS

48. The Security Council examined the questions of special economic problems of States as a result of sanctions imposed under Chapter VII of the Charter and issued a statement by the President on 30 December 1992 [S/25036]. The Council

expressed its determination to consider the matter further and invited the Secretary-General to consult the heads of the international financial institutions, other components of the United Nations system and States Members of the United Nations, and to report to it as early as possible. I have requested the views and suggestions of Member States and the institutions concerned, and I shall continue my consultations with them.

49. This is a question of pressing importance which must be pursued as a matter of urgency. Measures to ease the economic impact of sanctions have so far depended on the political will of countries that are in a position to provide assistance or on the capacity of the financial and other institutions and agencies of the United Nations system to respond adequately and swiftly. At the moment, there is no mechanism in the United Nations to address the spirit of Article 50 of the Charter effectively and systematically.

50. It has been proposed that the General Assembly should establish a permanent fund which would operate automatically on the imposition of sanctions. Alternatively, it has been proposed that individual trust funds be established under the terms of the Security Council resolution imposing sanctions. These proposals are being considered in appropriate United Nations forums. There may also be a need to set up a permanent mechanism for consultations between the Security Council, the Secretary-General and international financial institutions and other components of the United Nations system, as well as Member States, when sanctions are considered or imposed. A special study on the effectiveness of sanctions in each case has also been suggested. I shall review all these proposals when I submit my report to the Council in the near future.

IX. SAFETY OF PERSONNEL

51. I have already mentioned that the United Nations has undertaken increasingly complex and dangerous tasks. The safety of its personnel is therefore of growing concern. The United Nations security system is adequate to meet the safety requirements of United Nations personnel in the majority of countries where there is a United Nations presence but it is no longer adequate for meeting the needs that arise in complex emergencies.

52. In response to the statement by the President of the Security Council of 31 March 1993 [S/25493] I am reviewing the Organization's security arrangements, with a view to enhancing its capacity to deal with dangers facing its staff. The Security Coordinator's capacity to monitor and respond to crises, as well as the practical aspects of improving security in the field, is being addressed as a matter of urgency. Meanwhile, the recommendations in section VIII of my report entitled "An agenda for peace" remain as valid today as when they were written a year ago.

X. CONCLUDING OBSERVATIONS

53. The present report has described the action taken by the Secretariat in response to various decisions and statements by the General Assembly and the Security Council on ideas contained in my report entitled "An agenda for peace". It does not therefore purport to be a comprehensive restatement of the

whole of that document. It is rather a progress report on action taken in areas where the Member States have endorsed my ideas and have encouraged me to put them into practice.

54. I am grateful for the attention which Member States have given to the report in the 11 months since it was presented to the Members of the United Nations. Their deliberations and pronouncements have been a most valuable part of an extensive debate about how the international community can best equip itself to respond to the opportunities, and meet the challenges, of a world which is in a rapid state of transition. I look forward to a continuing dialogue with Member States and to receiving their guidance on important parts of the report on which they have not yet pronounced themselves. I remain committed to all the ideas in it, believing that they constitute a consistent and integrated set of measures to address the problems of assuring human security in all its aspects.

55. Meanwhile, as demand has grown exponentially for the Organization's services in the fields of preventive diplomacy, peacemaking, peace-keeping, peace-building and humanitarian assistance, the Member States have not only discussed the ideas in my report entitled "An agenda for peace" but have been putting some of them into practice, a notable example being the preventive deployment of UNPROFOR in the former Yugoslav Republic of Macedonia. A point which has become even clearer to me during this process than it was a year ago is the overriding importance of the full and timely provision by Member States of the resources needed to strengthen the Organization's capacity in the realms of preventive diplomacy, peacemaking, peace-keeping, post-conflict peace-building and humanitarian assistance. The point made in paragraph 31 above about the need for additional resources to improve my ability to command and control peace-keeping operations applies to many of the other activities covered in the present report and/or recommended in my report "An agenda for peace".

56. Redeployment of resources is a most desirable concept but in the United Nations, as in other large organizations, it takes time to implement - and also, itself, costs money. Given the volume and urgency of new activities pressing upon it, the United Nations does not have much time. If the Organization is to respond effectively to the hopes placed in it by the peoples of the world, the Member States will have to be as innovative in devising new financial approaches as they are in devising new tasks for the Organization to perform. I believe that the ideas in the report prepared by Mr. Shijuro Ogata and Mr. Paul Volcker on behalf of the Ford Foundation are the right way forward.

DOCUMENT S/25945

Letter dated 11 June 1993 from the representative of Iraq to the President of the Security Council

[Original: Arabic]
[14 June 1993]

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 10 June 1993 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the

Republic of Iraq, relating to the letter dated 28 May 1993 from the President of the Security Council addressed to the Secretary-General concerning the United Nations Programme and the security situation in northern Iraq.

I should be grateful if you would have the present letter and that of the Minister circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
*Permanent Representative of Iraq
to the United Nations*

**LETTER DATED 10 JUNE 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF IRAQ TO THE PRESIDENT
OF THE SECURITY COUNCIL**

I have the honour to refer to your letter dated 28 May 1993 addressed to the Secretary-General concerning the United Nations Programme and the security situation in northern Iraq. I should like to make certain facts clear to you and to the members of the Security Council and to set forth my Government's position on some of the points raised in that letter.

1. Iraq has stated on several occasions that since the autumn of 1991 the governorates of Dohuk, Irbil and Sulaymaniyah have not been under the control of government authorities. The anomalous situation obtaining in these three governorates is the result of the direct military intervention of the Governments of the United States of America, the United Kingdom of Great Britain and Northern Ireland and France, which are preventing the Iraqi authorities from exercising their functions in these parts of Iraq and threatening to resort to force if the Iraqi authorities should assume their normal responsibilities there. As a result of this open interference in Iraq's internal affairs, the region has come under the control of armed bands and a state of virtual secession has been imposed. The area is wide open to the interference of the Iranian regime and of other States, to a repetition of the Iranian acts of aggression against its inhabitants and to widespread anarchy, instability and insecurity. The Iraqi authorities cannot, of course, accept any responsibility for what happens there, and this includes the threats made to United Nations personnel. Given the situation imposed on the Government of Iraq, it is surprising that the United Nations should ask it to take what it calls the "necessary measures" to improve the humanitarian situation in the northern governorates and to ensure the security of their inhabitants.

The Iraqi authorities are prepared to assume all of their normal responsibilities in the area if States members of the Security Council do not prevent them from so doing. Despite the anomalous situation, the Government has provided facilities to relief convoys proceeding to the northern governorates and to United Nations personnel in all the areas under its control in order to ensure the implementation of programmes approved under the Plan of Action covering these governorates and various other sectors.

2. Iraq has cooperated with the Humanitarian Programme since the signing of the first Memorandum of Understanding,

in the anticipation that the Programme would provide essential assistance to adversely affected population groups. Events have, however, demonstrated that the Programme has been used for political purposes by certain foreign countries. Owing to pressures brought to bear by these States, the Programme has not attracted the funding necessary to meet its costs, which was the basic concern of the members of the Council as reflected in the letter. Consequently, Iraq is in no way responsible for the difficulties that have beset the Humanitarian Programme.

3. All unbiased observers know that the real way to alleviate the sufferings of the Iraqi population caused by shortages of food, medicines and other basic humanitarian needs is to lift the iniquitous embargo that has been maintained against Iraq for three years. The Security Council is therefore invited to fulfil its obligations towards Iraq and its people by lifting the embargo imposed on the Iraqi people rather than imputing unjust blame to the Iraqi authorities.

(Signed) Mohammed Said AL-SAHAF
*Minister for Foreign Affairs
of the Republic of Iraq*

DOCUMENT S/25949

**Letter dated 14 June 1993 from the representative of
Croatia to the President of the Security Council**

[Original: English]
[15 June 1993]

The Government of the Republic of Croatia deeply deplores the tragic death of the valiant Spanish officer, Francisco Jesus Aguilar, who was killed in the line of duty on 11 June 1993 in the town of Mostar, on the territory of the Republic of Bosnia and Herzegovina. He is another unfortunate casualty that the United Nations Protection Force has suffered during its noble peace-keeping and humanitarian mission. Each one of these incidents must be carefully investigated, including the tragic loss of life of Lieutenant Aguilar, so that all the causative circumstances could be taken into account and those who are responsible for these crimes against humanity could be brought to justice.

The facts which have been established so far concerning Lieutenant Aguilar's death provide no clear evidence as to who attacked the vehicle in which the Spanish officer was killed. Therefore, it would be premature to draw any firm conclusions and put the blame on just one side. The sacrifice of Lieutenant Aguilar must not be in vain or misused for small political gains, but should serve as a turning-point in repulsing all kinds of militant extremism in the region.

The overall situation in the Republic of Bosnia and Herzegovina is worsening and calls for imminent action by the international community. In order to stop and reverse the disturbing violence and anarchy, which has increased since the United States and its allies announced in Washington the so-called Joint Action Program, it is necessary to start rapid implementation of the Vance-Owen plan and all the relevant

Security Council resolutions. Until then it is of the utmost importance to establish an undisturbed flow of humanitarian help for the benefit of the endangered civilian victims of Serbian aggression. Any violent attempt to stop or slow down the distribution of humanitarian supplies must be considered as an intolerable act against basic norms of humanitarian law. In the light of this fact, the Croatian Government is calling upon all sides in Bosnia and Herzegovina to enable free and unlimited delivery of humanitarian help, which must be equally distributed to all the victims of aggression, among whom there is a significant number of ethnic Croats.

Croatia has officially urged the Security Council to post its monitors along the entire international border between the Republic of Croatia and the Republic of Bosnia and Herzegovina. It is the firm opinion of the Croatian Government that this measure would significantly contribute to easing the tensions in the region. At the same time, it would prove how unfounded are the allegations of the "interference" of the Croatian Government in the internal affairs of the Republic of Bosnia and Herzegovina.

The Republic of Croatia is ready to participate actively in the implementation of all relevant Security Council resolutions, but it is the United Nations and the world community which should use determined action to promote peace and stability in the area. The Croatian Government repeats its calls for a Security Council emergency session to address the ongoing violence in central Bosnia (as I have stated in my letter dated 9 June 1993 contained in document S/25920) and the vicious Serbian attacks on "safe areas" that demand sincere response by the Security Council.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

DOCUMENT S/25950

Letter dated 14 June 1993 from the representative of Iraq to the President of the Security Council

(Original: Arabic)
[14 June 1993]

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 13 June 1993 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning paragraph 14 of Security Council resolution 687 (1991).

I should be grateful if you would have the letters circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

TEXT OF THE LETTER

We should like to call the attention of the Security Council to an alarming statement made by Mordechai Gur, Israeli Deputy Minister of Defence, concerning Israel's possession of nuclear weapons. On 7 June 1993, Agence France-Presse transmitted the following news item:

"The Israeli Deputy Minister of Defence, Mordechai Gur, said on Sunday, 6 June 1993, that Israel would respond to a nuclear strike from any Arab State a hundred times over.

"Mordechai Gur, speaking at a meeting held at the Institute for Strategic Studies of Tel Aviv University on the twelfth anniversary of the Israeli attack on the Tammuz reactor in Iraq, said that Arab leaders must realize that a nuclear attack on Israel could not be to their advantage. He went on to say,

We are capable of responding a hundredfold."

This official statement of the Deputy Minister of Defence is unequivocal and indubitable confirmation that Israel does have nuclear weapons and that it possesses a large stock of them; General Mordechai Gur speaks clearly and shamelessly of the hundreds of nuclear strikes that Israel can make against the Arab countries.

Iraq has warned on a previous occasion of the dangers inherent in the Security Council's negative attitude on this matter. In my letter of 28 October 1992 addressed to the President of the Council [see S/24726], I stated as follows:

"Since the adoption of Security Council resolution 687 (1991) stipulating, *inter alia*, that Iraq is to be deprived of certain types of weapons and imposing on it a strict prohibition with regard to their future production, the Council and other United Nations organs (the United Nations Special Commission and the International Atomic Energy Agency (IAEA)) have been waging a ferocious and unparalleled campaign for implementation of this particular part of the resolution ...

"...

"The Security Council, which has waged such a ferocious campaign against Iraq for close to two years, has not, however, given any thought to devoting a single moment of its time to following up another essential part of resolution 687 (1991), namely that in which the Council:

'Notes that the actions to be taken by Iraq in paragraphs 8 to 13 of the present resolution represent steps towards the goal of establishing in the Middle East a zone free from weapons of mass destruction and all missiles for their delivery and the objective of a global ban on chemical weapons.'

"This vital part of the resolution is of the Security Council's own making, but the Council has done nothing to follow it up at the very time the feverish pace of the arms race in the region is accelerating, including that for the possession of

weapons of mass destruction. Disregard for this part of the resolution or failure to ensure its proper implementation would do serious damage not only to the concept of security and to the possibility of its establishment in the region but also to the security and sovereignty of other States in the region, among them Iraq."

As matters now stand, we and the international community are entitled to ask with regard to this explicit declaration of possession of nuclear weapons: What measures will the Security Council take under the terms of resolution 687 (1991), which the members of the Council constantly stress was adopted under Chapter VII of the Charter?

The continued silence of the Security Council on this grave matter and its failure to take the necessary measures to implement paragraph 14 of resolution 687 (1991) confirm the statements of all impartial observers in all parts of the world concerning the double standards that govern Council procedures as they relate to States.

The Security Council bears full responsibility for this grave situation.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

DOCUMENT S/25951

Letter dated 14 June 1993 from the representative of Rwanda to the President of the Security Council

[Original: French]
[15 June 1993]

I have the honour to inform you that the Rwandese Government and the Rwandese Patriotic Front have just drawn up a joint request, the text of which is annexed hereto, concerning the stationing of a neutral international force in Rwanda.

In this connection, the two parties agreed during the current peace negotiations at Arusha that the implementation of the peace agreement in Rwanda requires the deployment of a neutral international force as soon as the peace agreement is signed.

To that end, the two negotiating parties and the Facilitator, in the person of the President of the United Republic of Tanzania, requested the Organization of African Unity (OAU) and the United Nations to hold consultations in order to determine the modalities for their collaboration in establishing the neutral international force.

At a plenary meeting held on 6 June 1993, the Facilitator informed the two parties that the OAU Secretary-General had notified him that at the consultations between OAU and the United Nations it was decided that the United Nations should assume responsibility for and command of the neutral international force.

The two parties welcome this decision and agree that the United Nations should assume responsibility for and command of the neutral international force and they assure it of their complete cooperation.

In view of the foregoing and in order to make it possible to deploy the neutral international force as soon as the peace agreement is signed, the two parties request the United Nations to send a reconnaissance mission to Rwanda as speedily as possible in order to assess all the needs of the international force.

The parties consider that the reconnaissance mission can also, within the framework of preparing the operations to disengage the two forces involved in the conflict and on the basis of criteria that are already agreed, demarcate assembly areas, identify the sites to be used as assembly points and billeting stations and also establish the security parameters for the cities of Kigali and Byumba. This mission will also have the task of estimating the size of the neutral international force to be deployed in Rwanda.

In the request contained in the annex, you will find the missions which the two parties are proposing within the framework of defining the mandate to be given to the neutral international force.

The two parties hope that the neutral international force will be deployed as quickly as possible after the signing of the peace agreement in order to permit its speedy implementation and, in particular, the establishment of a broad-based transitional government, thereby avoiding excessively long intervals, which might be detrimental to the peace process.

To this end, I shall appreciate the measures that you will consider within the Security Council in order to give an urgent response to this request so that the desired reconnaissance mission will be sent to Rwanda as soon as possible.

I should be grateful if you would have the text of this letter and the request circulated as documents of the Security Council.

(Signed) Jean-Damascène BIZIMANA
Permanent Representative of
Rwanda to the United Nations

ANNEX

Joint request addressed by the Rwandese Government and the Rwandese Patriotic Front to the Secretary-General of the United Nations concerning the stationing of a neutral international force in Rwanda

The Government of the Rwandese Republic and the Rwandese Patriotic Front wish to inform the Secretary-General of the United Nations that they agreed, during the current peace negotiations in Arusha, that the implementation of the peace agreement in Rwanda requires the deployment of a neutral international force as soon as the peace agreement is signed.

To this end, the two negotiating parties and the Facilitator requested the Organization of African Unity (OAU) and the United

Nations to hold consultations in order to determine the modalities for their collaboration in establishing the neutral international force.

At a plenary meeting on 6 June 1993, the Facilitator informed the two parties that the OAU Secretary-General had notified him that at the consultations between OAU and the United Nations it was decided that the United Nations should assume responsibility for and command of the neutral international force.

The two parties welcome this decision and agree that the United Nations should assume responsibility for and command of the neutral international force and they assure it of their complete cooperation.

In view of the foregoing and in order to make it possible to deploy the neutral international force as soon as the peace agreement is signed, the two parties request the Secretary-General of the United Nations to send a reconnaissance mission to Rwanda as speedily as possible in order to assess all the needs of the neutral international force.

The reconnaissance mission can also, within the framework of preparing the operations to disengage the two forces involved in the conflict and on the basis of criteria agreed upon by the parties, demarcate the assembly areas, identify the sites to be used as assembly points and billeting stations and also establish the security parameters for the city of Kigali as part of its neutralization in order to protect the transitional institutions. This mission will also have the task of estimating the size of the neutral international force to be deployed in Rwanda.

The two parties would also like to suggest that the neutral international force should be deployed as speedily as possible after the signing of the peace agreement. It would be desirable to consider in the interim the composition and effective deployment of the force, secondment of personnel from the various peace-keeping forces deployed elsewhere in order to permit the speedy implementation of the peace agreement and, in particular, the establishment of a broad-based transitional government, thereby avoiding excessively long intervals, which might be detrimental to the peace process.

In order to help the Security Council to define the mandate of the neutral international force, the two parties propose that the following missions should be assigned to it:

A. General mission

The neutral international force shall assist in the implementation of the peace agreement, more specifically by supervising the implementation of the protocol on the National Army, the National Gendarmerie and the other security services and by providing all forms of assistance to the authorities and competent bodies.

To this end, it will carry out the following missions:

B. Security missions

1. Guarantee overall security in the country and monitor, in particular, the way in which the authorities and competent bodies maintain public order;
2. Maintain security during the distribution of humanitarian aid;
3. Help to ensure the safety of the civilian population;
4. Assist in the search for weapons caches and in the neutralization of armed bands throughout the country;
5. Carry out mine-clearing operations;

6. Participate in the recovery of all arms distributed to, or illegally acquired by, the civilian population;
7. Monitor the observance by the two parties of the arrangements for a definitive cessation of hostilities as contained in the peace agreement.

C. Missions to monitor the formation of the National Army

1. Demarcate assembly areas and establish sites to be used as assembly points and billeting stations;
2. The neutral international force shall be responsible for preparing the assembly points and billeting stations. It shall receive and administer all the material and financial means required to carry out this task. Military camps may serve as assembly points or billeting stations provided that the two parties are so informed. These camps shall be monitored by the neutral international force and shall conform to the conditions established for other assembly points and billeting stations;
3. Establish security parameters for Kigali in order to ensure its neutralization;
4. Monitor:
 - The disengagement of forces, in particular the movement of troops to assembly points and of military personnel returning heavy weapons to billeting stations;
 - The conversion of military camps into assembly points and billeting stations;
 - Verification activities subsequent to these operations;
5. Ensure that discipline is observed by military personnel both within and outside assembly points;
6. Monitor the inventories of arms and munitions of the two parties as well as the separation of heavy weapons from light weapons;
7. Guard billeting stations and help guard depots of light arms and their ammunition at assembly points;
8. Supervise the identification of military personnel; this operation will be carried out at the various troop-assembly points;
9. Supervise the provision of supplies to troops at assembly stations; supplies shall be limited to non-lethal items;
10. Take part in the training programme for members of the new armed forces and provide security at training centres;
11. Supervise the demobilization of military personnel and *gendarmes* not retained in the new armed forces;
12. Evaluate the implementation of the training process and make recommendations to the broad-based transitional government, the High Command Council of the National Army and the Command Council of the National *Gendarmerie*.

The two parties should like to inform the Secretary-General of the United Nations that they are sending a copy of this request to the Facilitator, Mr. Ali Hassan Mwinyi, President of the United Republic of Tanzania, to the current Chairman of OAU and to the

Secretary-General of the Organization of African Unity, for their information.

The two parties take this opportunity to convey to the Secretary-General of the United Nations their great appreciation for the interest that he continues to show in the success of the peace process in Rwanda, and for his prompt attention to this request.

Done at Arusha, 11 June 1993.

For the Government of the Rwandese Republic: For the Rwandese Patriotic Front:

(Signed) Boniface NGULINZIRA
Minister for Foreign Affairs and
Cooperation

(Signed) Pasteur BIZIMUNGU
Member of the Executive Committee
and Commissioner for Information
and Documentation

DOCUMENT S/25952

Letter dated 14 June 1993 from the representative of Azerbaijan to the President of the Security Council

[Original: English/Russian]
[15 June 1993]

I have the honour to transmit to you the text of a statement by the Ministry of Foreign Affairs of Azerbaijan on the latest Armenian aggression against Azerbaijan, in the districts of Agdam and Agdjabedi, which began on 12 June 1993.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations

TEXT OF THE STATEMENT

[Original: Russian]

At dawn on 12 June, after prolonged and intensive artillery preparation and massed air attacks with Mig-23 and Su-25 operational aircraft and Mi-24 helicopters, the Armenian army began an offensive in the direction of Agdam and Agdjabedi districts of Azerbaijan. The offensive by the Armenian army made use of tanks, armoured vehicles, rocket and howitzer artillery and a large number of troops. The attack caused considerable destruction and claimed casualties among the civilian population, and a number of villages in Agdam and Agdjabedi districts were captured.

On 14 June, the armed forces of the Republic of Armenia began a large-scale offensive against the villages of Shelli, Marzili, Yusifchanly, Chinli, Eni Garalar, Alichanly and the town of Agdam. By 1200 hours local time on 14 June, there was fighting on the approaches to the villages of Alimadatli and Chinli of Agdam district.

On the same day, the Armenian armed forces undertook an offensive against the villages of Akop-Kamari and Magavuz of Agdere district of the Azerbaijani Republic. The district

centre of Agdere is being subjected to systematic artillery shelling.

The Ministry of Foreign Affairs of Azerbaijan notes that the latest offensive by the Armenian side is not accidental. It confirms at least two circumstances about which Azerbaijan in its appeals has long warned the international community, unfortunately without success. The first is Armenia's unwillingness and unreadiness to seek ways of reaching a peaceful settlement of the conflict and, as a consequence, its reliance on military might. Secondly, in view of the reaction of leading States and international public opinion, Armenia feels that it can act with impunity and, hence, it wishes to continue its policy of territorial expansion, which has become a State policy.

Moreover, the Ministry of Foreign Affairs of Azerbaijan draws attention to the fact that the latest offensive by the Armenian side is taking place at a time when an advance observer group from the Conference on Security and Cooperation in Europe (CSCE) is prepared to arrive in pursuance of Security Council resolution 822 (1993) of 30 April 1993. The offensive is taking place at a time when the United States of America, Russia and Turkey have twice come forward with peace initiatives, and the CSCE "nine-plus-one" group has proposed a "schedule of urgent measures", to which Azerbaijan has given an affirmative reply.

The Ministry of Foreign Affairs of Azerbaijan considers that it is difficult to show one's cynical disregard for the international community's peace efforts more blatantly than Armenia is now doing.

Azerbaijan has long awaited effective measures on the part of prestigious international organizations to restrain the aggressor. General declarations and calls for an end to hostilities no longer do anyone any good. Such an attitude towards the aggressor and his victim gives us the impression that a policy of "double standards" is being employed in an effort to pacify the aggressor; this can undermine the peace process and have doleful consequences.

Azerbaijan once again appeals to the Security Council, CSCE and international public opinion to impose the relevant sanctions under the Charter of the United Nations against Armenia as the aggressor State, forcing it to end its persistent frustration of peace initiatives, and to create a real mechanism for implementing the decisions that have been taken.

Baku, 14 June 1993

DOCUMENT S/25953

Letter dated 15 June 1993 from the representative of Croatia to the President of the Security Council

[Original: English]
[15 June 1993]

Once again the Serbian insurgents in the Republic of Croatia have stepped up their attacks on the civilian targets

along the Croatian Adriatic coast. Yesterday, completely unprovoked, the Serbian gunners have attacked the coastal town of Biograd na Moru, a settlement of no military significance and without military installations. Yet again the insurgents have used the Multiple-Rocket-Launchers "Orkan" [four missiles with cluster-bombs warheads]. The attack started at 1532 hours with the missiles, followed by howitzers and mortars, and resulted in five deaths [including two children aged 11 and 12 - both killed while on the beach] and seven seriously injured people. Material damage to infrastructure and family homes is considerable.

At 1315 hours, the enemy launched an attack on the surroundings of the city of Sibenik, causing material damage. However, following the attack three children - while playing - found one of the unexploded minelets previously delivered by the cluster-bomb warhead of the "Orkan" missile, which resulted in the death of two and life-threatening injuries to the third boy [all aged 13 to 15].

In the view of my Government, this represents a planned action of the Serbian insurgents pursuing the renewal of the war on the territory of the Republic of Croatia - just prior to the so-called "referendum" of the local Serbs for unification with "other Serb countries", and the conclusion of the mandate of UNPROFOR [United Nations Protection Force] on 30 June. Once again, I have to state that the Government of the Republic of Croatia will try not to be provoked to enter into an armed conflict against the self-proclaimed Serbian leaders who are using all means to retain their power in the occupied territories, and to make the referendum a "success" for them.

My Government welcomes the statement by the President of the Security Council made at its 3231st meeting [S/25897], and calls upon the international community to prevent the negative consequences which will follow the so-called "referendum" that is to take place 19 and 20 June 1993. The Council has on several occasions reiterated that the "UNPAs are integral parts of the territory of the Republic of Croatia", and it is the firm belief of my Government that the forthcoming so-called "referendum" constitutes an "action inconsistent with this", and thus unacceptable to the Council.

In the view of the expiration of the present mandate of the peace-keeping force on the territory of the Republic of Croatia, one has to recognize that there are only two options open for the Government of the hosting country: to accept the continuation of the mandate, provided that it is extensively amended, incorporates a precise timetable of action, the means of implementation and that it includes specific enforcement powers for the UNPROFOR in the case of non-compliance by the Serbian militants; or to decline altogether the further good offices of the peace-keeping forces.

I would ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations

DOCUMENTS S/25954 AND ADD.1

Letter dated 15 June 1993 from the Secretary-General to the President of the Security Council

DOCUMENT S/25954

[Original: English]
[16 June 1993]

I have the honour to bring to your attention, and through you to the attention of the members of the Security Council, the attached letter from the Permanent Representative of the United States of America to the United Nations.

(Signed) Boutros BOUTROS-GHALI

LETTER DATED 11 JUNE 1993 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that the United States of America has decided to offer a reinforced company team of approximately 300 troops to operate with the United Nations Protection Force (UNPROFOR) forces now stationed in the former Yugoslav Republic of Macedonia. The United States wishes to supply these troops to augment the UNPROFOR forces now in the former Yugoslav Republic of Macedonia. We do not intend that United States troops should replace the current UNPROFOR units there.

The United States views this offer as further evidence of our commitment to support multilateral efforts to prevent spillover and contribute to stability in the Balkan region.

I would appreciate your conveying my Government's offer to the Security Council.

(Signed) Madeleine K. ALBRIGHT

DOCUMENT S/25954/ADD.1

[Original: English]
[17 June 1993]

1. It is estimated that the cost associated with the deployment of 300 additional troops to reinforce the United Nations Protection Force (UNPROFOR) in the former Yugoslav Republic of Macedonia will amount to some \$10.5 million for an initial six-month period. It is further estimated that the monthly cost thereafter will be approximately \$1.5 million. A breakdown of the estimated cost for the first six-month period, by main categories of expenditure, is provided for information purposes in the annex to the present document.

2. It would be my recommendation to the General Assembly, should the Security Council decide to approve the proposed course of action and enlarge the mandate and strength of UNPROFOR, that the additional cost relating thereto should be considered an expense of the Organization to be borne by

Member States in accordance with Article 17, paragraph 2, of the Charter of the United Nations and that the assessments to be levied on Member States be credited to the UNPROFOR special account.

ANNEX

Cost estimate of the additional costs to the United Nations for the activities of UNPROFOR

(Thousands of United States dollars)

<i>Objects of expenditure</i>	<i>Initial six months</i>
1. Military component	
(a) Contingent personnel	2 833
(b) Other costs pertaining to contingents	1 850
2. Civilian staff costs	-
3. Premises/accommodation	1 498
4. Air operations	-
5. Transport operations	1 771
6. Communications	1 250
7. Miscellaneous equipment	750
8. Miscellaneous supplies, services, freight and support costs	<u>530</u>
Total	<u>10 482</u>

DOCUMENT S/25958

Letter dated 7 June 1993 from the representative of Haiti to the President of the Security Council

[Original: French]
[16 June 1993]

Over the past 20 months, during which the constitutional Government of Haiti has agreed to seek a solution to the crisis through negotiations, it has had to demonstrate its unflagging will and commitment to support all efforts of the international community to bring about an "immediate reversal of the situation and ... the restoration of the legitimate Government" that was elected on 16 December 1990, as the President of the Security Council stated so eloquently during President Jean-Bertrand Aristide's visit to the Council on 3 October 1991.

In spite of the international community's efforts, constitutional order has not yet been re-established in Haiti because the de facto authorities continue to obstruct all the initiatives that have been proposed.

In the light of this situation and on instructions from my Government, I request that the Security Council make universal and mandatory the sanctions against the de facto

authorities adopted at the Ad Hoc Meeting of Ministers for Foreign Affairs of the Organization of American States and recommended to the international community in various General Assembly resolutions, giving priority to the embargo on petroleum products and the supply of arms and munitions.

I remain convinced that a solution to the Haitian crisis would help to promote stability in the region and would contribute to the strengthening of international peace and security.

I should be grateful if you would have the text of the present letter circulated as a document of the Security Council.

(Signed) Fritz LONGCHAMP
Permanent Representative of Haiti
to the United Nations

DOCUMENT S/25959

Letter dated 16 June 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[16 June 1993]

The latest information coming in from Gorazde, a town designated as a "safe area" by Security Council resolution 836 (1993), reports that the horrendous humanitarian situation has not changed. The town remains under constant heavy artillery attacks from all directions by the Serbian aggressor forces. The United Nations observers dispatched from Sarajevo, in order to investigate the present inhuman circumstances, have not yet been allowed by Serbian forces to reach Gorazde. Instead, from the direction of Ustipraca, Serbian forces have dispatched a column of tanks headed for Gorazde. Tanks and other armoured vehicles are tightening their stranglehold around the city with the calculated intention of wiping it out, together with its 70,000 inhabitants.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations

DOCUMENT S/25960

Note by the Secretary-General

[Original: English]
[16 June 1993]

The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991).

ANNEX

Report by the Executive Chairman of the United Nations Special Commission

Introduction

1. In response to a wish expressed by members of the Security Council, the Special Commission herewith presents an account of the Government of Iraq's attitude on certain aspects of implementation of its obligations under section C of Security Council resolution 687 (1991) and subsequent relevant resolutions and agreements.

Recent developments

(a) Installation of monitoring cameras

2. On 6 June 1993, the United Nations Special Commission informed Iraq of its intention to install remote control cameras to monitor rocket test stands at two sites, Yawm al Azim and Al Rafah. On 7 June 1993, a senior Iraqi representative informed the chief of the UNSCOM [United Nations Special Commission] expert team dispatched to Iraq for the installation of the cameras that Iraq would not accept any monitoring activities and would insist that the Special Commission limit itself to inspection activities under resolution 687 (1991).

3. This position was confirmed in a letter of 8 June 1993 from Mr. Riyadh al-Qaysi, Iraqi Deputy Minister for Foreign Affairs, to the Deputy Executive Chairman of the Special Commission, which stated that the installation of the cameras did not fall under the purview of resolution 687 (1991) "but rather comes within the framework of matters and questions that are still the subject of dialogue between the Iraqi authorities on the one hand and the Special Commission on the other".

4. In a letter of 9 June 1993 to the Deputy Foreign Minister, the Executive Chairman stated that the installation of cameras was "done in implementation of the mandate entrusted to the Commission by the Council in resolution 687 (1991) and the subsequent resolutions of the Council which are required by the terms of or elaborate upon the provisions of section C of resolution 687 (1991), all of which were adopted under Chapter VII of the Charter". The Chairman continued in his letter:

"I am thus reporting to the President of the Council that Iraq has refused to permit the inspection team to install essential equipment which would allow the Commission to determine on a continuing basis whether, at the sites in question, Iraq is meeting its unconditional undertaking not to use, develop, construct or acquire missiles prohibited in terms of paragraph 8 of the same resolution. This breach of resolution 687 (1991), and other Council decisions, is compounded by a breach of the status arrangements of May 1991 between the United Nations and Iraq, pursuant to which the Commission has the 'right to install equipment or construct facilities for observation, inspection, testing or monitoring activity ...'."

5. The Deputy Foreign Minister responded in a letter of 11 June 1993 to the Executive Chairman, *inter alia*, the following:

"With regard to the question of setting up cameras at Yawm Al-A'zam and Al-Rafah sites, I should like, first of all, to remind you that what we requested in our letter dated 8 June 1993 was 'postponement of the decision' on the subject until the convening of the meeting that we had proposed in the letter dated 30 May 1993 from the Minister for Foreign Affairs. Thus, what really gives rise to surprise is that you should infer from this legitimate

and permissible request that the Iraqi authorities had refused permission for the inspection team to perform its assigned task, particularly after the reasons and motives for our position had been explained in detail at two extensive meetings to Mr. Nikita Smidovich on 7 and 8 June, and most particularly after my telling him that we were not opposed to the principle of the use of cameras in the Special Commission's work. Indeed, the main thing is a discussion of this question and the other questions that are regarded as outstanding in the dialogue for which we called. With the exception of this question, the inspection team has carried out and is carrying out all the tasks for which it came, with facility and with the full cooperation of the competent Iraqi authorities ...".

6. At a meeting the same day with the Permanent Representative of Iraq to the United Nations, the Executive Chairman repeated the position of the Commission as outlined in the letter of 9 June.

7. Resolution 687 (1991) calls on Iraq not to reacquire banned weapons and items and on the Commission to verify Iraq's compliance with all its obligations. Based on resolution 687 (1991), Iraq and the United Nations exchanged letters in May and June 1991 which form the status agreement for UNSCOM and IAEA operations in Iraq. This specifically allows UNSCOM to "install equipment or construct facilities for observation, inspection, testing or monitoring activity". The Iraqi position ignores the fact that resolution 687 (1991) called for the Secretary-General to draw up a plan for ongoing monitoring and verification of Iraq's obligations not to reacquire banned items or capabilities. This plan was duly approved under resolution 715 (1991), adopted unanimously by the Security Council acting under Chapter VII of the Charter. Thus the issue is not even up for discussion, let alone "still the subject of dialogue" - the plan is mandatory and enforceable. Indeed, the Council has repeatedly rejected Iraq's earlier calls for dialogue on the terms of implementation of the Council's resolutions and has demanded Iraq's full compliance with all relevant resolutions, including resolution 715 (1991) and the plans approved thereunder [S/23517, S/23609, S/23663, S/23699, S/23709, S/24836, S/24839].

8. On 14 June 1993, in separate conversations between officials from the Special Commission on the one hand and, on the other, with the Permanent Representative of Iraq to the United Nations in New York and with the Deputy Foreign Minister of Iraq at Vienna, the Commission again informed Iraq of the seriousness of the situation and of the urgency of resolving the issue of installation of the cameras.

9. Iraq's obstruction in this instance is a further failure by Iraq to fulfil its obligations under relevant resolutions of the Security Council and agreements with the Special Commission. Its insistence that UNSCOM limit itself to activities under resolution 687 (1991) is a direct challenge to the authority of the Security Council and the force of its resolutions adopted under Chapter VII of the Charter.

(b) Destruction of chemical production equipment

10. On 15 April 1993, during inspection UNSCOM55, the Chief Inspector handed over to the Iraqi side a letter requiring the removal by 31 May 1993 of chemical weapons precursor chemicals and certain items of equipment used in the PCI3/POCI3 production plant at Fallujah to Muthanna for destruction there under UNSCOM supervision. These items had been acquired by Iraq specifically for the production of these chemical weapons precursors and as part of Iraq's chemical weapons programme. Consequently, the Commission decided that they needed to be destroyed. Irreversible conversion was not possible and, in any case, Iraq continues not to accept monitoring of dual-purpose equipment under the terms of the plans for ongoing monitoring and verification approved by the Council in its resolution

715 (1991) adopted unanimously under Chapter VII of the Charter. In such conditions, the Commission cannot guarantee the non-prohibited use of any equipment redeployed by Iraq.

11. Iraq replied to this demand on 29 April 1993 saying that it wished to redeploy this equipment for use in insecticide production. On 14 May 1993, the Commission responded that it had taken into account Iraq's request for reuse of the equipment but that it stood by the earlier decision that, because the items were specifically acquired for the purpose of chemical weapons production, the equipment be removed and destroyed. Iraq responded to this letter on 27 May 1993, saying that the Commission had gone to extremes, adverse to Iraq, in interpreting its mandate, criticizing it, the Sanctions Committee and the Security Council respectively for their decisions relating to the destruction of equipment associated with weapons programmes, to Iraq's requests for imports, and to the decisions to maintain sanctions. It accused the Commission and the Committee of following a policy of revenge against the Iraqi people and requested that the Commission change its decision. The Commission again responded on 4 June 1993, reminding Iraq of its obligations under the relevant resolutions and the Commission's rights and duties. It explained that the equipment in question could not be rendered harmless as it was intrinsically capable of being used for prohibited purposes and could quickly be reconverted for such. It gave Iraq until 10 June 1993 to complete the removal of the equipment and warned Iraq that failure to do so would result in the Commission reporting the matter to the Council.

12. In a letter of 11 June 1993 to the Executive Chairman, the Deputy Foreign Minister stated, *inter alia*:

"Iraq ... remains prepared to give the Special Commission, through bilateral technical consultations, practical guarantees to ensure the peaceful use of this equipment in the long term. Furthermore, we see no practical or technical justification for linking the subject of guarantees which Iraq has proposed to provide of the peaceful use of this equipment to the attitude to resolution 715 (1991), in particular after our assurances that we are prepared to give the Special Commission practical guarantees to ensure non-prohibited use" and "we repeat our proposal for a detailed technical discussion between the experts of both sides in order to arrive at a joint formula which would give the Special Commission assurances and guarantees concerning the peaceful uses of this equipment in the long term".

13. At the above-mentioned meeting of 11 June, the Executive Chairman reiterated that the Commission had to insist on the destruction of chemical weapons production equipment, as this equipment was acquired exclusively for weapons purposes, and if converted for non-military use, could readily be reconverted for proscribed use.

14. On 12 June an inspection team of the Commission reported from an inspection at the Fallujah production plant that the equipment to be destroyed (with the exception of one reactor vessel which had been moved to Muthanna) was still kept at Fallujah. Commission personnel continue to monitor the situation. As of 15 June, only 5 of the 11 pieces of equipment had been moved from Fallujah to Muthanna. A quantity of the precursor chemicals also had not been moved. The Commission has, so far, no undertaking by Iraq to move all the items, as instructed.

15. Iraq's continuing and insistent refusal to move the chemical weapons production equipment at Fallujah to Muthanna for immediate destruction is an outright violation of its obligations under resolution 687 (1991), which puts into question Iraq's overall readiness to implement the relevant resolutions.

General context

16. These events in Iraq during the last week have confirmed assessments made in recent reports of the Special Commission to the Security Council. The Secretary-General's report of 19 April 1993 [S/25620] noted, *inter alia*, that:

- "there has ... been no movement in Iraq's underlying negative position on the plan and resolution 715 (1991)";
- "the Commission understood this [Iraq's insistence that interim monitoring be conducted under resolution 687 (1991)] to mean that Iraq would prevent this team, or any other, from operating under the terms of the plan approved under resolution 715 (1991)"; and
- "Iraq has, through its conduct over recent months, consistently demonstrated its desire to limit the Commission's inspection rights and operational capabilities through seeking to place restrictions on the inspectors in the course of their work".

17. The report of UNSCOM of 17 December 1992 [S/24984, annex] noted that:

"it is difficult not to believe that the decrease in security is the result of a centrally coordinated government campaign to intimidate and humiliate UNSCOM staff. While some incidents may be spontaneous, the atmosphere in which such acts might be considered by Iraqi citizens has been fostered by Iraqi officials, presumably with the backing of the Government, and those officials have done little to rectify the situation."

18. All the above has to be seen in the context of repeated incidents of harassment of UNSCOM and other United Nations personnel in Iraq, most recently seen in the attack on UNSCOM vehicles reported to the Council on 8 June 1993, and against the background of Iraq's conduct over recent months, consistently demonstrating its effort to limit the Commission's inspection rights and operational capabilities (see the annex to the report of 19 April 1993 in document S/25630).

19. Amongst the most serious of these impediments to the Commission's task has been Iraq's attitude towards the use of helicopters for the purpose of surveillance and operational support. Iraq's blocking of an helicopter aerial surveillance flight was reported to the Council in paragraph 11 (f) of report S/24984. Iraq refused that flight on the grounds that it would overfly Baghdad. Since then, and on a continuing basis, Iraq has hindered the work of the Commission by automatically objecting to any proposed helicopter flight which entails a "box" in the vicinity of Baghdad. (Such "boxes" tend to be in the order of 40 km². They are given to the Iraqi authorities the night before a flight to enable them to ensure that Iraqi air defences are aware of the UNSCOM flight and hence do not treat it as a hostile intruder while at the same time not revealing the precise site to be surveyed.)

20. The resolutions provide the Commission with the absolute right to fly aerial surveillance over Iraq without exception. While the Commission seeks to take into account Iraq's legitimate concerns, security or otherwise, it has informed Iraq that it must and will assert its right to overfly Baghdad as and when there is an operational need to do so. Such an operational need may arise at any time, depending on the information and equipment available to the Commission.

Conclusions

21. Iraq has sought to make an issue of principle out of the installation of the monitoring cameras. This fits in with a general

pattern of statements and behaviour on the part of Iraq concerning those aspects of resolution 687 (1991) and subsequent resolutions which deal with the long-term monitoring of Iraq's obligations not to reacquire the weapons capabilities banned to it under the terms of the cease-fire resolution. Essentially, while not explicitly rejecting the monitoring provisions but rather expressing a willingness to renegotiate their terms, Iraq's actions have, in effect, prevented the initiation of implementation of the plans for ongoing monitoring and verification adopted under resolution 715 (1991) and amount to a de facto rejection of the Council's resolutions and decisions in this regard.

22. The Commission insists on the destruction of the chemical production equipment and the precursor chemicals because both were specifically acquired for Iraq's chemical weapons programme. The equipment is inherently such that it could easily and rapidly be reconverted from permitted to prohibited purposes.

DOCUMENT S/25961

Letter dated 15 June 1993 from the representative of Iraq to the Secretary-General

*[Original: Arabic]
[17 June 1993]*

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 8 June 1993 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning decisions adopted by the Sanctions Committee at its 93rd meeting.

I should be grateful if you would have this letter and that of the Minister for Foreign Affairs of the Republic of Iraq circulated as a document of the Security Council.

*(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations*

LETTER DATED 8 JUNE 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ TO THE SECRETARY-GENERAL

I have the honour to refer to our letter dated 21 May 1993, in which I explained certain practices and decisions adopted in the name of the Committee established by Security Council resolution 661 (1990), known as the Sanctions Committee, and the unjust and unjustifiable positions imposed on the Committee by the representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland, France and Japan, reflecting continual hostile and scheming intentions *vis-à-vis* the people of Iraq, aimed at depriving it of its essential humanitarian needs in the name of international legitimacy.

The decisions of the Sanctions Committee at its 93rd meeting, held on 5 May 1993, clearly show the injustice and wrong being done to the Iraqi people in the service of inimical political aims that govern the conduct of the representatives of the said countries within the Committee. It has been

confirmed, moreover, that the political motives and scheming intentions of those countries constitute their sole objective, with no regard whatsoever for the needs and suffering of the Iraqi people despite Iraq's performance of its obligations under the Security Council resolutions.

In a rapid review of the requests rejected by the Committee at that meeting, we note the following:

1. Objection by the United States to 7 requests;
2. Objection by the United Kingdom to 7 requests;
3. Objection by France to 6 requests;
4. Objection by Japan to 3 requests.

In addition, numerous other requests have been kept in abeyance or deferred on a variety of pretexts, to the surprise and vexation to many other members of the Committee.

The best example of what we are saying is provided by the decisions adopted by the Committee at its most recent meeting, of which we shall cite a number:

1. Rejection of a request to supply Iraqi merchants with quantities of glue, due to objections on the part of the representatives of the United States and the United Kingdom on the grounds that they constituted an input to Iraqi industry.
2. Rejection of a request to supply the State Enterprise for Tobacco and Cigarettes with quantities of Virginia tobacco, due to an objection on the part of the representative of the United States on the grounds that they constituted an input to Iraqi industry.
3. Rejection of a request to supply the Government fertilizer company with quantities of caustic soda and sodium phosphate for water-treatment purposes, due to an objection on the part of the representative of the United States, seconded by the representative of the United Kingdom, on the grounds that the end user was unknown.
4. Rejection of a request to supply water desalination equipment to the South Refinery at Basra, due to an objection by the representative of the United States on the grounds that such equipment could be used for other purposes. Here the Sanctions Committee was ignoring the reports of the humanitarian missions and international organizations that had visited the area and which stressed in their reports Iraq's need for such equipment.
5. Rejection of a request to supply Iraqi merchants with construction cement additives due to an objection by the representative of the United Kingdom, on the grounds that such materials would enhance Iraq's industrial infrastructure, as though the Security Council resolutions contained anything to the effect that Iraqi citizens had no right to build dwellings, which is the first of all human rights.

6. Rejection of a request to supply Iraqi merchants with tyres and oil filters for vehicles due to an objection on the part of the representative of France on the grounds that they would be used for private vehicles. Here we ask ourselves what is wrong with an Iraqi national using his private car like any individual belonging to any other people in the world.

Some members of the Committee, in their political motives and scheming intentions hostile to the Iraqi people, fail to take into consideration the reports of the humanitarian missions which have visited the area and clearly reported the scope of the severe shortages affecting the basic civilian and humanitarian needs of the Iraqi people, especially in the areas of food and health, and their impact on children, the elderly, women and pregnant mothers, in particular. Moreover, the continuation of this situation has resulted in an elevation of mortality rates among children, the elderly and the sick.

We adjure you once again, even more strongly than before, to exercise your good offices and intervene in earnest to call a halt to these practices of the Sanctions Committee, which run counter to all humanitarian values and considerations, so as not to impair the credibility of the Organization, whose reputation is sullied by such practices. I should be grateful if you would have this letter circulated as an official document of the Security Council.

DOCUMENT S/25962*

Letter dated 16 June 1993 from the representative of the Republic of Moldova to the Secretary-General

*[Original: English]
[17 June 1993]*

I have the honour to transmit herewith the declaration issued at Chisinau by the Ministry of Foreign Affairs of the Republic of Moldova dated 16 June 1993, on the statement of the President of the Russian Federation, Mr. Boris Yeltsin, regarding the possibility of the creation of Russian military bases on the territory of some of the former Soviet republics.

I should appreciate it if you would have the text of the present letter and the declaration circulated as a document of the General Assembly and of the Security Council.

*(Signed) Tudor PANTIRU
Permanent Representative of the
Republic of Moldova to the United Nations*

TEXT OF THE DECLARATION

Taking note of the statement of the President of the Russian Federation, Mr. Boris Yeltsin, at the recent meeting with the senior officials of the Russian Ministry of Defence, the Ministry of Foreign Affairs of the Republic of Moldova feels compelled to reiterate its fundamental position, stated on

numerous occasions, regarding the complete, unconditional and immediate withdrawal of all foreign military forces from Moldovan territory, which is in accordance with the documents of the Conference on Security and Cooperation in Europe and other international organizations.

In this context, Mr. Yeltsin's proposal, presented at that meeting, regarding the possible creation of military bases on the territories of some former Soviet republics is unacceptable to the Republic of Moldova, under any circumstances.

However, the Ministry of Foreign Affairs of the Republic of Moldova does welcome President Yeltsin's second proposal, that of "withdrawal of the Russian military forces from all former Soviet republics" and considers it to be the only realistic and just solution that could accommodate the interests of both the Republic of Moldova and the Russian Federation. In this respect, the signing, in the near future, of an agreement between the two nations regarding the immediate and unconditional withdrawal of the Russian military forces from the territory of the Republic of Moldova will not only greatly increase the chances of a political resolution of the conflict in the eastern districts of the Republic of Moldova but will also contribute to further development of the relations between the Republic of Moldova and the Russian Federation, as well as the strengthening of Russia's credibility and prestige in the world.

DOCUMENT S/25963

Letter dated 16 June 1993 from the representative of Kuwait to the Secretary-General

*[Original: Arabic]
[17 June 1993]*

On instructions from my Government, I am transmitting to you hereunder the text of the statement issued by the Kuwaiti Council of Ministers following the adoption by the Security Council of its resolution 833 (1993) concerning the completion by the United Nations Iraq-Kuwait Boundary Demarcation Commission of its work.

"Kuwait affirms that it will honour and be bound by Security Council resolution 833 (1993) and all the relevant resolutions of the Council. The Council has welcomed the final report of the Iraq-Kuwait Boundary Demarcation Commission entrusted with the implementation of paragraph 3 of its resolution 687 (1991). It has reaffirmed that the Commission's decisions are final. It has underlined and reaffirmed its decision to guarantee the inviolability of the international boundary between Kuwait and Iraq and to take as appropriate all necessary measures to that end in accordance with the Charter. It has recalled that, through the demarcation process, the Commission entrusted with the task of demarcating the boundary between Kuwait and Iraq by its resolutions 687 (1991) of 3 April 1991 and 689 (1991) of 9 April 1991 was not reallocating territory between Kuwait and Iraq but was simply carrying out the technical task necessary to demarcate the precise coordinates of the boundary on the basis of the existing

* Circulated under the double symbol A/48/213-S/25962.

agreements and the supporting documentation and evidence provided by the two parties to the Commission, whose decisions are to be considered final as of their adoption. It has demanded that Iraq and Kuwait, in accordance with international law and relevant Security Council resolutions, respect the inviolability of the international boundary, as demarcated by the Commission, and the right to navigational access.

"Kuwait regards the Security Council resolution as an enlightened achievement for the Organization and for international legitimacy and one to be added to its series of achievements contributing to the promotion of international peace and justice. Kuwait takes this opportunity to alert all the countries of the world to the need to maintain pressure on the Iraqi regime to implement all of the relevant Security Council resolutions and particularly those relating to the speedy release of the Kuwaiti prisoners and hostages and third-country nationals that the Iraqi regime is still holding in its prisons and detention camps."

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative of Kuwait
to the United Nations

DOCUMENT S/25967

Letter dated 14 June 1993 from the representatives of Portugal, the Russian Federation and the United States of America to the President of the Security Council

[Original: English]
[17 June 1993]

Upon instructions from our Governments, we have the honour to send to you the text of the statement made by the heads of the delegations of Portugal, the Russian Federation and the United States of America in Washington D.C., on 8 June 1993, concerning the situation in Angola, and to request that this be circulated as a document of the Security Council.

(Signed) José Caetano da COSTA PEREIRA
Chargé d'affaires of the Permanent Mission
of Portugal to the United Nations

(Signed) Yuliy M. VORONTSOV
Permanent Representative of the
Russian Federation to the
United Nations

(Signed) Madeleine Korbé ALBRIGHT
Permanent Representative of the
United States of America to the
United Nations

TEXT OF THE STATEMENT

The delegations of Portugal, the Russian Federation and the United States of America, led respectively by the Secretary of State for Cooperation, José Manuel Briosas e Gala, Director of the African Department, Grigory B. Karassine, and Assistant

Secretary of State for African Affairs, George E. Moose, met in Washington, D.C. on 8 June 1993 in order to review the latest developments in Angola and to consider ways to re-establish peace.

The delegations reaffirmed that a political solution offers the only prospect for ending the post-electoral crisis in Angola. In this regard, deep disappointment was expressed regarding refusal by UNITA [*Uniao Nacional para a Independência Total de Angola*] to initial the set of principles in the Abidjan Protocol, which could have led to an immediate cease-fire in place, a phased withdrawal of UNITA forces and the simultaneous and gradual insertion of United Nations personnel to monitor the cease-fire. The delegations reiterated their support for Security Council resolution 834 (1993) of 1 June 1993 which unanimously condemned UNITA's actions and urged all States to refrain from providing any form of direct or indirect military assistance or other support to UNITA inconsistent with the peace process. It was also agreed that the United Nations continues to have an essential role in the search for a lasting solution to the present crisis.

The delegations observed that the intensification of hostilities by UNITA since the 21 May suspension of the peace talks, its continuing efforts to seize additional territory and its destruction of economic assets and infrastructure critical to the welfare of the people of Angola, strongly contradict UNITA's declarations that it is seeking a peaceful solution. These actions call into serious question UNITA's intention to reach a negotiated settlement. The delegations stressed that UNITA's continuing threats against nationals and property of their respective countries are seriously undermining the efforts of the observer to facilitate future negotiations that could lead to peace. Within this context, the observers reiterate their strong support for United Nations Security Council resolution 804 (1993) of 29 January 1993, particularly paragraph 11 thereof, which demands that UNITA immediately release foreign nationals taken hostage.

The 3 June donor's conference at Geneva welcomed the agreement by the Government of the Republic of Angola to allow humanitarian deliveries wherever the need exists. The delegates call upon UNITA to accept the proposed United Nations plan immediately and begin implementation as soon as logistical arrangements can be completed. The observers call upon the international community to respond generously to the 3 June United Nations appeal.

The observers discussed potential actions that could be taken should UNITA continue to fail to respond to appeals that it end its military actions and return to the negotiations. At the same time the observers reiterated their full support for Security Council resolution 811 (1993) of 12 March 1993, including paragraph 12 which appeals to all Member States to render economic, material and technical assistance to the Government of Angola for the reconstruction and development of the country. The observers will hold discussions with other States Members of the United Nations prior to the 15 July deadline for the renewal of the mandate of the United Nations Angola Verification Mission II to coordinate possible actions within the United Nations.

The observers also reaffirmed that the key principles of the Bicesse Peace Accords, whose validity has been confirmed on numerous occasions by the Government of the Republic of Angola and UNITA, as well as the additional principles contained in the draft Memorandum of Understanding of the Abidjan Protocol to reinforce the Accords, are the best basis for a peaceful settlement. The observers expressed their readiness to:

- reactivate the monitoring and guarantee mechanisms of the Peace Accords,
- support the reinforcement of the role of the United Nations once agreement is reached on a comprehensive settlement, and
- consider means to ensure that humanitarian assistance reaches all people in need throughout Angola in a timely manner.

The delegations of Portugal and the Russian Federation would like to express their gratitude to the Government of the United States of America for its hospitality.

DOCUMENT S/25969

Letter dated 16 June 1993 from the representative of the United States of America to the Secretary-General

*[Original: English]
[18 June 1993]*

I have the honour to transmit the enclosed eighth submission* of the Government of the United States of America as requested by the Security Council in paragraph 5 of its resolution 771 (1992) and paragraph 1 of its resolution 780 (1992).

I should be grateful if the present letter and its annex* would be circulated as a document of the Security Council.

*(Signed) Madeleine K. ALBRIGHT
Permanent Representative of the United States of America to the United Nations*

DOCUMENT S/25971

Letter dated 18 June 1993 from the representative of Singapore to the Secretary-General

*[Original: English]
[18 June 1993]*

On behalf of the Permanent Representatives to the United Nations of the States members of the Association of South-East Asian Nations (ASEAN), I have the honour to transmit to you herewith the text of a statement issued by the Ministers for Foreign Affairs of ASEAN on Cambodia.

I should be grateful if you would arrange to have the statement circulated as a document of the Security Council.

*(Signed) Mark HONG
Chargé d'affaires a.i. of the
Permanent Mission of Singapore
to the United Nations*

TEXT OF THE STATEMENT

1. Recalling the statement by ASEAN Ministers for Foreign Affairs on the elections in Cambodia of 18 May 1993, ASEAN welcomes and endorses the successful elections in Cambodia conducted by the United Nations Transitional Authority in Cambodia (UNTAC). We support the declaration of the Secretary-General's Special Representative that the conduct of the elections was free and fair. The courage of the Cambodian people in coming out in large numbers to cast their votes clearly reflects their determination to have peace and to work for the reconstruction of Cambodia.

2. The Cambodian parties and the international community should respect fully the results of the elections. The elections have demonstrated that the Cambodian peace settlement worked out by the Paris Conference on Cambodia remains the viable solution for Cambodia and all parties should continue to respect the terms of this settlement.

3. We also support the efforts of His Royal Highness Prince Samdech Preah Norodom Sihanouk to unify the Cambodian people and to bring about national reconciliation. A calm and stable political climate will contribute to the drafting of the constitution and the peaceful establishment of a new government in accordance with the terms of the constitution.

4. We urge all parties concerned to refrain from acts which might lead to renewed hostilities or even civil war in Cambodia. ASEAN reaffirms its full respect for the sovereignty, independence and territorial integrity of a united Cambodia. We reaffirm our commitment to non-interference in internal affairs of Cambodia and call upon all the countries concerned, particularly the neighbouring countries of Cambodia, to do the same.

5. The United Nations and the international community should remain engaged in Cambodia, to support the elected constituent assembly which will draft the constitution in the interim period and establish a new government. Pending the establishment of a new government, UNTAC should continue to exercise the responsibilities assigned to it in accordance with the relevant resolutions of the Security Council and establish conditions that will permit the administrative and security apparatus in Cambodia to function effectively under UNTAC's control during the interim period. The United Nations and the international community should continue to assist and support the new Cambodian government after this interim period to strengthen the peace and development which the Cambodian people have so courageously affirmed through the polls.

* The document is not reproduced in the present Supplement; it may be consulted in the files of the Secretariat.

6. We commend all the personnel of UNTAC for their courage and dedication in the endeavour to bring peace to Cambodia, and we congratulate the Special Representative of the Secretary-General, Mr. Yasushi Akashi, for his leadership in bringing about the successful elections in Cambodia. We pay special tribute to UNTAC personnel and volunteers especially those who sacrificed their lives in the performance of their duties for the cause of peace in Cambodia.

DOCUMENT S/25973*

Letter dated 18 June 1993 from the representative of Croatia to the Secretary-General

*[Original: English]
[18 June 1993]*

I have the honour to submit herewith a letter** from the Minister for Foreign Affairs of the Republic of Croatia, Mr. Mate Granic, addressed to you.

I should be grateful if you would have the text of the present letters circulated as a document of the General Assembly and of the Security Council.

*(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations*

**LETTER DATED 18 JUNE 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF CROATIA TO THE
SECRETARY-GENERAL**

I have the honour to inform you that the Government of the Republic of Croatia hereby requests the separation of the ongoing mandate of the United Nations Protection Force (UNPROFOR) into three fully independent mandates, notwithstanding its final decision on the possible prolongation of the United Nations peace-keeping operation in the territory of the Republic of Croatia.

Taking into account the new geopolitical realities in the territory of former Yugoslavia, it is the strong opinion of my Government that all the reasons for maintaining the existing framework of the UNPROFOR operation have ceased to exist. Instead, the United Nations should establish three separate operations: one in the territory of the Republic of Croatia, a second in the Republic of Bosnia and Herzegovina and a third in the Republic of Macedonia.

The three aforementioned States are not in a state of war against each other, nor do they form any kind of union - political or otherwise. In no way could these three States be any longer defined as a uniform theatre of operations. It should

also be emphasized that the Republic of Croatia is not a signatory to the UNPROFOR agreement.

All this clearly shows that the reasons for a unified UNPROFOR and unified command have ceased to exist and that such treatment is in clear contravention of the principle of sovereignty of the States Members of the United Nations.

At the time when the Security Council started the UNPROFOR mandate in the Republic of Croatia, adopting its resolution 743 (1992) of 21 February 1992, Croatia had not yet become a Member State. The Security Council gradually expanded UNPROFOR and its mandate in the territory of the Republic of Bosnia and Herzegovina and (through Council resolution 795 (1992) of 11 December 1992) in the territory of the Republic of Macedonia. In the light of the fact that Croatia and Bosnia and Herzegovina became Member States of the United Nations on 22 May 1992, and Macedonia became a Member State on 8 April 1993, it is politically and operationally unacceptable to consider UNPROFOR to be in the territory of former Yugoslavia. Furthermore, its mandate is different in each of those three countries - in Croatia its major goal is peace-keeping, in Bosnia and Herzegovina its essential task is humanitarian aid delivery and in Macedonia it is acting in a supportive role of preventive diplomacy.

Through the separation of the mandate, fundamental differences between these operations will be recognized, particularly those concerning actions in Croatia and in Bosnia and Herzegovina. Contrary to problems in Bosnia and Herzegovina, in Croatia it is not the final political composition of the country that is to be resolved, but the effective solution of the problem of the United Nations Protected Areas (UNPAs). This separation would also benefit the implementation of Security Council resolutions concerning the regime of sanctions against Serb held territories in Bosnia and Herzegovina, as well as the better implementation of Security Council resolution 820 (1993) of 17 April 1993.

Any future United Nations action in the Republic of Croatia must be based upon the premise that the UNPAs are an integral part of the territory of the Republic of Croatia, as confirmed in Security Council resolution 815 (1993) of 30 March 1993. Accordingly, the United Nations operation in Croatia should not only be operationally separated from those in Bosnia and Herzegovina and Macedonia, but the name of the operation must be changed in a way to reflect the basic fact that it is taking place in Croatian territory.

The Government of Croatia considers the separation of the UNPROFOR (CRO) mandate to be an important step in confirming the sovereignty and territorial integrity of the Republic of Croatia. Such a step, as well as a more clearly defined mandate, will be conducive to and should greatly facilitate finding an adequate peaceful solution to the problem of UNPAs. Should such an arrangement be reached, possible future developments in the Republic of Bosnia and Herzegovina would not interfere with implementation of the Vance Plan for the Republic of Croatia.

* Circulated under the double symbol A/47/967-S/25973

** The letter has been reproduced as received. The designations employed do not imply the expression of any opinion whatsoever on the part of the Secretariat concerning the legal status of any country, territory or area, or of its authorities.

An independent United Nations peace-keeping mandate for Croatia will stress its specific goals, as inscribed in relevant Security Council resolutions. It will also help to establish clearer guidelines for the operation, the final goal of which must be the reintegration of the UNPAs in the rest of the Republic of Croatia. Therefore, my Government sincerely hopes that the process of separation of the UNPROFOR mandate will start as soon as possible.

DOCUMENT S/25974

**Letter dated 18 June 1993 from the representative of
Denmark to the Secretary-General**

*[Original: English]
[18 June 1993]*

I have the honour to transmit herewith the text of a statement on North Korea issued by the European Community and its member States on 16 June 1993.

I should be grateful if you would have the present letter and the statement circulated as document of the Security Council.

*(Signed) Bent HAAKONSEN
Permanent Representative of Denmark
to the United Nations*

TEXT OF THE STATEMENT

[Original: English/French]

The European Community and its member States take note of the joint statement of the Democratic People's Republic of Korea and the United States of America issued in New York at the conclusion on 11 June 1993, of government-level talks between the two countries, and the intention of the Democratic People's Republic of Korea and the United States of America to continue the dialogue with a view to resolving the nuclear issue and to achieving a nuclear-free Korean peninsula.

In this connection the Community and its member States welcome the unilateral decision of the Democratic People's Republic of Korea to suspend the effectuation of its withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons. This positive step should now be followed by the reaffirmation of the Democratic People's Republic of Korea of its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons.

In light of their strong commitment to a strengthening of the nuclear non-proliferation regime, the European Community and its member States call upon the Democratic People's Republic of Korea to honour all its obligations under its safeguards agreement with the International Atomic Energy Agency and to reaffirm its commitment to the bilateral inspection arrangements agreed in principle with the Republic of Korea.

DOCUMENT S/25975

**Letter dated 17 June 1993 from the representative of
Iraq to the Secretary-General**

*[Original: Arabic]
[18 June 1993]*

On instructions from my Government, I have the honour to transmit herewith a letter dated 16 June 1993 from Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, concerning the Iranian attacks on the border areas in northern Iraq during the months of May and June 1993.

I should be grateful if you would have this letter and that of the Minister for Foreign Affairs of the Republic of Iraq circulated as a document of the Security Council.

*(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations*

LETTER DATED 16 JUNE 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF IRAQ TO THE SECRETARY-GENERAL

I have the honour to inform you that, during May and June 1993, the Iranian armed forces carried out a series of attacks on the border areas in northern Iraq. The Iranian artillery bombarded a number of villages and townships, and the bombardment caused widespread death or injury among the population and large-scale displacement of the families resident there to locations further inside Iraqi territory, so that these areas were emptied of their inhabitants, who, in addition, suffered large property losses.

The continuation of the brutal Iranian artillery bombardment constitutes blatant and inadmissible aggression that threatens security and stability in the region, which makes it imperative that the Iranian regime be made to realize the gravity of the acts of aggression that it is committing inside Iraqi territory and that it be made to bear full international responsibility for the consequences thereof. Iraq reserves its full right to take measures under the Charter of the United Nations and international law to protect its legitimate rights and interests and to defend its security, the safety of its people and its right to compensation for the damage resulting from these hostile acts.

The Government of the Republic of Iraq, in drawing your attention to the extent of the gravity of this aggression, requests you to intervene in order to prevent the Iranian side from repeating these acts that violate the norms of international law and the Charter of the United Nations.

I should be grateful if you would have this letter circulated as a document of the Security Council.

*(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq*

Note by the Secretary-General

[Original: English]
[21 June 1993]

The Secretary-General has the honour to transmit to the Security Council a report submitted by the Executive Chairman of the United Nations Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Council resolution 687 (1991).

ANNEX

Fifth report of the Executive Chairman of the United Nations Special Commission, established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on the activities of the Special Commission

INTRODUCTION

1. The present report is the fifth on the activities of the United Nations Special Commission (UNSCOM), established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), submitted to the Council by the Executive Chairman of the Special Commission. It is the fourth such report provided in accordance with paragraph 3 of Council resolution 699 (1991). It covers the period from 14 December 1992 to 14 June 1993. It is further to the reports contained in documents S/23165, S/23268, S/24108 and S/24984.

I. ORGANIZATIONAL AND ADMINISTRATIVE ISSUES

2. Since the last report, there have been further changes in the composition of the Special Commission. Mr. Nicola Circelli has replaced Col. Armando Caputo; Mr. Peter Dunn has replaced Mr. John Gee, who left to take up the position of Director of Verification in the Provisional Technical Secretariat of the Organization for the Prohibition of Chemical Weapons; and Mr. Ron Manley has replaced Professor Bryan Barrass upon the latter's retirement. Mr. Manley has since also submitted his resignation to take up the position of Head of the Chemical Weapons Branch of the Verification Division with Mr. Gee. The Commission hopes to be in a position to submit a nomination for his replacement to the Secretary-General shortly.

3. The organizational structure remains essentially as reported previously. Currently there are 32 staff in the Office of the Executive Chairman in New York, 25 in the Bahrain Field Office and 83 in the Baghdad Field Office.

4. There is still no agreement on the sale of Iraqi oil to finance United Nations operations resulting from the cease-fire resolution. Current expenses have been met from voluntary contributions and advances from Member States and funds made available from frozen Iraqi assets in accordance with Security Council resolution 778 (1992). However, in the absence both of Iraqi agreement to sell oil and of Iraq's acknowledgement of its obligations under resolution 699 (1991) to meet the full costs of the tasks authorized by section C of resolution 687 (1991), the problem of the financing of the Commission's operations remains a matter of great concern and further cash contributions by Governments are urgently required. This is particularly important now as a contract has been concluded to remove from Iraq the irradiated uranium fuel currently stored at Tuwaitha and at Location B, reprocess it and permanently store the wastes. This will involve for the Commission the largest expenditures it has incurred to date. The net contract price amounts to \$24,565,000.

However, there will be certain ancillary costs for special risk insurance and for radiation protection and other equipment currently estimated to cost in the neighbourhood of \$800,000. These items are available at much lower rates to the United Nations and the International Atomic Energy Agency (IAEA) than to the contractor. While the United Nations Controller has given a guarantee that the United Nations has a legal responsibility to meet the costs of this contract, thereby allowing it to go ahead, it has been agreed that meeting the costs of the contract will have first call on all future incoming funds. Consequently, in order to continue operations, the Special Commission must receive funds adequate not only for operations, but also first to meet the outstanding funds for the contract. The funds currently available to finance the contract will have been expended by late August.

5. Governments have continued to support the operation of the Special Commission through the contribution of personnel, services and equipment. Resolution 687 (1991) foresaw government support in the form of both voluntary contributions and advances, pending a long-term solution to the financing issue. Supporting Governments were asked, in accordance with paragraph 5 (b) of resolution 778 (1992), to inform the Commission of the cost of those contributions that they consider advances. Some responses have been received, most of which indicate that the support provided to date should be viewed as voluntary contributions. A statement of the Commission's operating costs, together with further information on organizational and administrative issues, can be found in appendix I.

II. STATUS, PRIVILEGES AND IMMUNITIES

6. The status, privileges and immunities of the Special Commission, IAEA and the specialized agencies involved in the implementation of Security Council resolution 687 (1991) continue to be regulated by the relevant agreements and Council resolutions and decisions.

7. The Special Commission and IAEA, on the one hand, and the Government of Bahrain, on the other, have extended for a further six months, until 30 September 1993, the agreement provided for in the exchange of letters relating to the facilities, privileges and immunities of the Special Commission and IAEA in Bahrain. The formal response from the Government of Bahrain was received by the Secretary-General on 29 April 1993.

8. In Iraq, there have been continuing problems in the implementation of the Special Commission's status, privileges and immunities. The security of Commission personnel and property in Iraq had improved somewhat, but the situation recently deteriorated with attacks on Commission personnel and property (see appendix III). It thus continues to remain a serious concern.

III. DEVELOPMENTS

A. Political developments: the attitude of Iraq

9. Inspections of sites declared by Iraq or designated by the Commission have continued. However, Iraq still refuses to cooperate with the Commission and has exhibited a most unwelcome trend in relation to field operations, namely to seek to restrict the manner in which the Commission's rights are implemented. The main problems are as follows:

- (a) (i) Iraq continues to maintain its position on the plans approved under Security Council resolution 715 (1991) for ongoing monitoring and verification, stated in the letter of 19 November 1991 from the then Minister for Foreign Affairs of Iraq addressed to the President of the Council;

- (ii) On 31 January 1993, the Iraqi Government officially informed the Executive Chairman of the Special Commission in writing that Iraq considered the new arrangement of interim monitoring at the Ibn Al-Haytham facility to be conducted under resolution 687 (1991). The Commission understood this to mean that Iraq would prevent this team, or any other team, from operating under the terms of the plan approved under resolution 715 (1991);

- (iii) On 1 April 1993, General Amer, Chairman of the Iraqi Military Industrialization Corporation, reading from prepared notes and stressing that this was the official Iraqi position on the issue of monitoring, is reported by the Chief Inspector of an inspection team to have said:

"Iraq accepted the first monitoring team to the Ibn Al-Haytham Centre in accordance with resolution 687 (1991). However, it appears from the modalities of the monitoring team that the Special Commission is trying to overlap in a discreet fashion Iraqi obligations under resolution 687 (1991) and resolution 715 (1991). This is very clever. Iraq knows that, using Iraqi cooperation under resolution 687 (1991), the Special Commission wants to assert Iraqi obligations under resolution 715 (1991). Iraq is fully aware of this effort. If the objective of the Special Commission is to make sure that no prohibited activities are going on, prohibited items are destroyed and Iraq has no capability to reactivate proscribed programmes, Iraq has no objections as this is part of resolution 687 (1991). However, if the objective is to start a de facto implementation of resolution 715 (1991) without Special Commission testament to the Security Council that Iraq is in full compliance with resolution 687 (1991) and without implementing paragraph 22 of that resolution, Iraq will not welcome this mission. The monitoring missions would not be welcome. But, even in this case, Iraq will still cooperate with the Special Commission to see the true objectives of these missions and to explore the intentions of the Special Commission. Iraq told the Special Commission that resolution 715 (1991) could be discussed only in connection with the implementation of paragraph 22 of resolution 687 (1991). You should never think or believe that it could be done otherwise.";

- (iv) On 6 June 1993, the Special Commission informed Iraq of its intention to install cameras to monitor rocket test stands at two sites. On 7 June 1993, a senior Iraqi representative informed the chief of the UNSCOM expert team dispatched to Iraq for the installation of the cameras that Iraq would not accept any monitoring activities and would insist that the Special Commission limit itself to inspection activities under resolution 687 (1991). This position was confirmed in a letter of 8 June 1993 from Mr. Riyadh Al-Qaysi, Iraqi Deputy Minister for Foreign Affairs, to the Deputy Executive Chairman of the Special Commission, which stated that the installation of the cameras did not fall within the purview of resolution 687 (1991) "but rather comes within the framework of matters and questions that are still the subject of dialogue between the Iraqi authorities on the one hand and the Special Commission on the other". In a further letter dated 11

June 1993, Mr. Al-Qaysi added that "what we requested ... was a 'postponement of the decision' on the subject" until the proposed dialogue;

- (v) Iraq's position is maintained despite assurances by the Commission that, if Iraq cooperated, its legitimate concerns would be met and the Commission's activities would be carried out in a manner which is not unduly intrusive;

(b) Iraq's full, final and complete disclosures of its proscribed weapons programmes, due under Security Council resolution 707 (1991), and its initial declarations, due under the plans for ongoing monitoring and verification, contain major shortcomings that will need to be rectified if they are to form the basis for a definite material balance of Iraq's past weapons of mass destruction programmes and for effective monitoring and verification of compliance. The information so far provided is tailored to what the Iraqi authorities consider the Special Commission to know already, rather than constituting a frank and open disclosure of all the true facts. One set of declarations, concerning the legal and administrative actions taken by Iraq to give effect to its obligations relating to ongoing monitoring and verification, has never been submitted;

(c) Iraq continues to refuse to divulge information indicating the names of foreign companies from which it has purchased equipment and materials. This is clearly unacceptable. Accurate information is essential if the Special Commission is to establish a material balance for proscribed items and, with IAEA and the Sanctions Committee, to devise a workable and realistic mechanism for import control required by paragraph 7 of resolution 715 (1991);

(d) In the period under review, there have been a number of serious incidents of breaches by Iraq of the Commission's rights, privileges and immunities. In January 1993, as reported in document S/25172, Iraq sought to deny the Commission the use of its own aircraft to transport personnel and equipment into and out of Iraq to and from Bahrain. In February 1993, Iraq threatened to shoot down a helicopter providing supporting overhead surveillance for an inspection team if the aircraft did not leave the vicinity of the site. In June, Iraq has blocked the installation of monitoring cameras (see subparagraph (a) (iv) above), missed two deadlines for the removal and delivery to the Special Commission of equipment for the production of chemical weapons precursors and delayed an inspection of a site by a full day;

(e) The events referred to in subparagraph (d) above also fit into a general pattern of Iraqi conduct. Iraq has, through its conduct since the last report, consistently demonstrated its desire to limit the Commission's inspection rights and operational capabilities through seeking to place restrictions on inspectors in the course of their work. While many of these Iraqi actions have taken place during the course of inspections under resolution 687 (1991), the Commission has no doubt that they form part of a long-term campaign to establish a practice for the conduct of inspections that would severely restrict the rights provided for in the plans for ongoing monitoring and verification and relevant Security Council resolutions. Iraq is thus clearly seeking to assert for itself the right to interpret how the resolutions should be implemented. Included in this campaign have been attempts by Iraq to dispute the Commission's instructions on the destruction of equipment intended for the production of banned weapons; to restrict the scope of inspections and information gathering; to restrict access and impose delays on inspections; to restrict the exercise of the Commission's aerial rights; to impose limits on the duration, size and composition of inspections; to require advance notice of inspection activities; and to limit the right to take photographs. Further details on these incidents can be found in appendix III. Each incident has varied in seriousness. Some might not

be significant were they not part of a general trend. However, when taken together, these incidents add up to a major impediment that would effectively hinder credible long-term monitoring and verification. This again underlines the need to obtain from Iraq as soon as possible its formal acknowledgement of its obligations under resolution 715 (1991), so that the Council's requirements laid down in that resolution can be met.

10. Thus the situation remains essentially unchanged from the time of the last report: the intention to proceed from inspection and survey through destruction to ongoing monitoring and verification has, in large part, continued to be thwarted by the actions of the Iraqi Government. While preparations for the implementation of the plans are being made, the basic conditions for their full-scale implementation have not yet been met.

B. Operational developments

11. In the chemical weapons area, further inspection and destruction activities have been conducted, with the emphasis remaining on destruction. Attempts to elicit further information on Iraq's chemical weapons programme through a "seminar" held during an inspection proved unproductive because of the uncooperative attitude of the Iraqi counterparts. No further weapons or associated equipment have been found by inspection teams or declared by Iraq. However, further progress has been made in identifying what equipment and plant need to be destroyed. In this regard, a serious instance of Iraqi obstruction has arisen. Iraq was instructed to move certain items of equipment acquired for chemical weapon precursor production to Muthanna for destruction under Commission supervision there. It replied that it wished to reuse the equipment for the production of pesticides. Iraq, despite the Commission's insistence that its decision is final on the grounds that the equipment was acquired expressly for chemical weapons production and that, even if converted for pesticide production, it could easily and rapidly be reconverted for weapons production, has still not moved all the equipment as instructed. Full accounts of inspection and destruction activities can be found in appendices IV and V respectively.

12. Further biological inspections were also conducted, as was a "seminar" with Iraqi counterparts on biological weapons issues. The same non-cooperative attitude was met in this area as with chemical weapons. However, inspection activities did assist in identifying additional facilities to be included in the plan for ongoing monitoring and verification.

13. On ballistic missiles, efforts have concentrated on three main aspects: trying to establish a definitive material balance for the SCUDs supplied by the former Soviet Union; trying to account for Iraq's production capacity in the ballistic missiles area; and establishing an interim monitoring regime for Iraq's dual-capable missile research and development facilities. This last has proved necessary because of Iraq's refusal to acknowledge its obligations under the plans for ongoing monitoring and verification (see appendix II).

14. Aerial surveillance activities have continued apace, using both U-2 (a total of 141 missions now flown) and helicopter platforms (236 targets now flown). Helicopter missions continue to be flown in support of ground inspections and to provide a time-series photographic record of sites which will need monitoring under the plans for ongoing monitoring and verification. Plans are also in place to mount additional sensors to the helicopters to give them greater

monitoring and deterrence capability. Details of both these operations are contained in appendix V.

C. Iraq's declarations

15. Iraq's failure to provide full and honest declarations was touched upon in paragraph 9 (b) above. On 14 February 1993, Iraq provided a second set of declarations entitled "Updated monitoring information. Report No. 2". These add little to the first declarations. Attempts to elicit fuller information on chemical and biological issues were met with a totally unacceptable and uncooperative response, as noted above. Despite internationally verified evidence to the contrary, Iraq denies ever using chemical weapons. It refuses to hand over the missile-firing records essential if the Commission is to verify Iraqi claims to have accounted for all the Soviet-supplied SCUD missiles.

IV. ISSUES AND PRIORITIES FOR THE FUTURE

16. From the above, it can be seen that, despite further progress, no major breakthrough has been achieved that could make it possible to change the conclusion of the previous report. The most important developments have taken place in the area of destruction of proscribed items, but still much remains to be done. The main areas that require action before the Commission will be in a position to report to the Security Council that Iraq is in substantial compliance with its obligations remain as follows:

(a) Acknowledgement by Iraq of its obligations under Council resolutions 707 (1991) and 715 (1991);

(b) Supplementation and revision of Iraq's "reports" to the point where, in the view of the Commission, they conform with the full, final and complete disclosures required under resolution 707 (1991), particularly as concerns former suppliers, and with initial declarations required under the plans for ongoing monitoring and verification adopted by resolution 715 (1991);

(c) Destruction of all items of equipment identified by the Special Commission as requiring destruction;

(d) The initiation and smooth functioning of the plans for ongoing monitoring and verification to ensure that Iraq does not reacquire the weapons proscribed to it;

(e) Acceptance and implementation by Iraq of all the Commission's privileges and immunities, including ensuring the safety and security of the personnel and property, landing rights for aircraft and non-obstruction of the inspections and logistics.

17. Further inspection activities are planned in each of the weapons categories. Destruction activities now focus on chemical weapons and equipment for their production. Preparations for the implementation of the plans for ongoing monitoring and verification are under way and ideas on the potential form of an import control regime for after the lifting of sanctions have been discussed. New staff recruitment reflects the shift of emphasis towards attempting to establish whether Iraq still has items which should be declared; tracking down Iraq's supplier networks; interim monitoring; preparations for ongoing monitoring and verification activities; and further elaboration of the ideas for import monitoring.

18. The priorities remain to obtain Iraq's acknowledgement of its obligations under resolutions 707 (1991) and 715 (1991) and to obtain satisfactory amendments to the various declarations, especially in relation to suppliers.

APPENDIX I

Organizational and administrative issues

A. Staffing of the Special Commission

1. The Commission currently has a total of 140 positions distributed amongst its three offices. Fifty positions are supported by the Commission. The balance of the staff are on loan from their Governments for assignments ranging from 3 to 12 months. Personnel, equipment and services have been provided for the Commission's activities by Argentina, Australia, Austria, Belgium, Canada, China, the Czech Republic, Finland, France, Germany, Greece, Hungary, India, Indonesia, the Islamic Republic of Iran, Italy, Japan, the Netherlands, Nigeria, Norway, New Zealand, Poland, the Republic of Korea, Romania, the Russian Federation, Spain, Sweden, Switzerland, Thailand, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela. The responsibilities of the Director-General of IAEA are carried out by the Action Team set up within IAEA, the staff of which charged to the Commission's budget are indicated in paragraph 3 below. The Action Team draws upon the part-time services of numerous staff of various IAEA departments, funded under the regular IAEA budget.

2. The staff of the Commission are distributed as follows:

(a) *Headquarters of the Commission in New York.* The headquarters of the Commission in New York has a total of 32 staff assigned to it: 18 positions (8 in the Professional category and 10 in the support staff category) are currently charged to the operating budget of the Commission; and 14 positions are filled by staff assigned to the Commission by various Member States.

Unit	Position
Office of the Chairman	1 Executive Chairman 1 Deputy Chairman 1 Legal Adviser 1 Political Adviser and Spokesman 3 Support staff
Administrative Office	3 Professionals 2 Support staff
Division of Operations	7 chemical, biological, ballistic and nuclear experts 1 Support staff
Information Assessment Unit	5 Chemical, biological, ballistic and nuclear experts 2 Advisers in aerial photography 5 Support staff

(b) *Office of the Commission in Bahrain.* The Bahrain Field Office has a total of 25 staff assigned to it on a regular basis to provide financial, administrative, logistic and training support to the inspection activities of the Commission and IAEA pursuant to section C of resolution 687 (1991). Eleven positions (three Professionals and eight local support staff) are charged to the operating budget of the Commission. Functions break down as follows:

Administration and logistic support	3 Professionals 8 Local staff
Aerial and photographic support	1 Adviser
Air transport	13 Transall C-160 crew members

(c) *Office of the Commission at Baghdad.* A total of 83 persons are currently assigned on a long-term basis to the Commission's Baghdad office to provide logistic, communication and medical support to the inspection teams of the Commission and IAEA and in support of the chemical destruction programme and interim monitoring activities. Fourteen positions (nine Professionals, one international support staff and four local support staff) are under the Commission operating budget. The other 69 staff are provided by Governments.

Administration and logistic	8 Professionals and Field Service staff support 4 Local staff 1 International support staff
Aerial and photographic support	4 Advisers
Medical support	5 Medical staff
Chemical destruction	23 Advisers (including 3 medical staff dedicated to the chemical destruction programme)
Monitoring team	8 Advisers
Air transport	30 Helicopter crew members

B. International Atomic Energy Agency

3. The Action Team has a total of seven staff charged to the operating budget of the Commission (see also above):

Operational and technical support	5 Professionals
Administrative support	1 Professional 1 Support staff

C. Financial situation of the Special Commission

4. Under Security Council resolution 699 (1991), Iraq is responsible for meeting the costs of all United Nations operations resulting from section C of resolution 687 (1991). To date, Iraq has made no contribution to the Special Commission's expenses. Indeed, it has rejected two Security Council resolutions, 706 (1991) and 712 (1991), which sought an interim solution to the financing issue.

5. Consequently, the Commission has had to rely on voluntary contributions, in cash and in kind, and on cash advances. Since the inception of its operations in April 1991, a total of \$42.4 million has been contributed by a limited number of countries to support the operations of the Special Commission. This amount includes a total of \$33 million transferred from the escrow account established under Security Council resolution 778 (1992) and loans to be repaid from Japan, of \$2.5 million, and the United States, of \$2 million.

6. Resolution 778 (1992) requested the Secretary-General to ascertain the costs of United Nations activities concerning the elimination of weapons of mass destruction. On 3 November 1992, the Special Commission wrote to Governments that have supported the Commission's operations through the provision of equipment, services, personnel and transportation to ascertain whether they considered their support to be voluntary contributions or an advance, for which reimbursement will eventually be required. Germany has indicated that it considers a part of its contributions - \$10 million - to be an advance requiring reimbursement. Saudi Arabia made a contribution of \$30 million to the escrow account for the Special Commission activities. An additional \$3 million has been made

available from the escrow account to the Special Commission for a grand total of \$33 million.

7. Expenditures crossed the \$40 million mark at the end of May 1993. This amount includes the cost of major projects like the successful removal in 1992 of unirradiated nuclear fuel out of Iraq under a contract between IAEA and the Russian Federation for \$2 million. The \$40 million also includes the first instalment of \$6 million for the cost of the contract for the removal of irradiated nuclear fuel which will have to be paid in the coming months. The remaining \$32 million have been used to cover the cost of all other activities and operations of the Commission and IAEA.

8. An additional \$35 to \$40 million will be required between now and the end of 1993 to maintain the current level of activities:

(a) *Removal of nuclear fuel contract:* the balance of \$18.565 million will be required to cover the \$24.565 million contract. An estimated additional \$0.8 million will be needed to cover the cost of spare parts, logistic support, insurance, etc;

(b) *Ongoing operations:* \$10 to \$15 million will be needed to maintain the pace of ongoing programmes and to cover the cost of planned operations;

(c) *Loans:* \$4.5 million will be needed to cover repayments should the United States and Japanese loans be called. The above amount does not include the \$10 million that Germany has disbursed until the end of 1992 for the air support provided to the Special Commission and which it has indicated that it considers an advance to be repaid.

9. The Commission's expenditures have always been kept to the bare minimum and it has essentially been operated on a shoestring budget for lack of an appropriate funding mechanism. The uncertainty of the Commission's financial future currently has an impact on the ability to plan operations effectively. The implementation of Security Council resolution 715 (1991) will require a reassessment of staffing and logistic support requirements both at Headquarters and in the field. A full-scale plan of operations could result in at least a doubling of current operational expenditures.

Financial status of the Special Commission

<i>List of contributions</i>	<i>US dollars</i>
United States	2 000 000
	2 000 000 (loan)
Japan	2 500 000 (loan)
Kuwait	1 000 000
United Kingdom	175 400
Saudi Arabia	1 730 000
(Escrow account)	30 000 000
Various	
(Escrow account)	<u>3 000 000</u>
Total contributions, including loans	<u>42 405 400</u>

Expenditures, up to 31 May 1993 39 815 000

Estimated requirements

for 1 June-31 December 1993 37 810 000

Total 77 625 000

Projected shortfall for 1993 operations 35 219 600

Note: The total shortfall is \$50 million when the loans of \$4.5 million from Japan and the United States and the contribution of \$10 million from Germany are taken into account.

APPENDIX II

Inspection activities

A. Chemical weapons inspections

1. UNSCOM47, consisting of two sub-teams, one designated CBW3 and the other IAEA 16, conducted inspection activities during the period from 5 to 14 December 1992, mainly in the chemical and bacteriological weapons field. The last report to the Council under resolution 699 (1991) was prepared before the results of this inspection had been assessed. Seven potential chemical weapons-related sites were visited, including a pharmaceutical plant. Nothing related to Security Council resolution 687 (1991) was found at any of these sites.

2. The two sub-teams jointly conducted a search of the "PetroChemical-3" headquarters. On arrival at the site, an incident occurred: documents were observed being removed from the premises. Some documents were subsequently returned and verified to be unrelated to Security Council resolution 687 (1991). However, the team was unable to establish whether these were the same as those removed.

3. Three question-and-answer "seminars" were held with Iraqi counterparts, specifically on Iraq's "full, final and comprehensive report" on chemical weapons. Little information was obtained. Indeed, the Iraqi side made it clear that it would not answer any question it considered "trivial, unethical or outside the scope of Security Council resolution 687 (1991)".

4. UNSCOM55 conducted chemical inspection activities from 6 to 18 April 1993. A number of potentially chemical weapons-related sites were visited, including the Fallujah sites, formerly part of the Muthanna State Establishment.

5. On 15 April 1993, during the UNSCOM55 inspection, the Chief Inspector handed over to the Iraqi side a letter requiring the removal by 31 May 1993 of certain items of equipment used in the $PCl_3/POCl_3$ production plant at Fallujah to Muthanna for destruction there under Special Commission supervision. These items had been acquired by Iraq specifically for the production of these chemical weapons precursors and as part of Iraq's chemical weapons programme. Consequently, the Commission decided that they needed to be destroyed. Irreversible conversion was not an option and, in any case, Iraq continues not to accept monitoring of dual-purpose equipment under the terms of the plans for ongoing monitoring and verification approved by the Council in its resolution 715 (1991) adopted unanimously under Chapter VII of the Charter. In such conditions, the Commission cannot guarantee the fate of any equipment redeployed by Iraq.

6. Iraq replied to this demand on 29 April 1993 saying that it wished to redeploy this equipment for use in insecticide production. On 14 May 1993, the Commission responded that it had taken into account Iraq's request for reuse of the equipment but that it stood by the earlier decision that, because the items were specifically acquired for the purpose of chemical weapons production, the equipment should be removed and destroyed. Iraq responded to this letter on 27 May 1993, saying that the Commission had gone to extremes, adverse to Iraq, in interpreting its mandate, criticizing it, the Sanctions Committee and the Security Council respectively for their decisions relating to the destruction of equipment associated with weapons programmes, to Iraq's requests for imports and to the decisions to maintain sanctions. It accused the Commission and the Committee of following a policy of revenge against the Iraqi people and requested that the Commission change its decision. The Commission again responded on 4 June 1993, reminding Iraq of its obligations under the relevant resolutions and the Commission's rights and duties. It explained that the equipment in question could not be rendered harmless as it was intrinsically capable of being used for prohibited purposes and could quickly be reconverted for such. It gave Iraq until 10 June 1993 to complete the removal of the equipment and warned Iraq that failure to do so would result in the Commission reporting the matter to the Council. On 11 June 1993, Iraq responded that it "remained prepared to give the Special Commission, through bilateral technical consultations, practical guarantees to ensure peaceful use of this equipment in the long term". The Commission has informed Iraq that its decision on destruction is final. As of 14 June, some of the equipment had been removed to Muthanna, but much remained at Fallujah. No formal communication had been received from the Iraqi authorities as to their intentions regarding the remaining equipment. The matter was thus brought to the attention of the President of the Security Council and a formal report made to the Council on 16 June 1993 [S/25960, annex].

B. Biological weapons inspections

7. UNSCOM47 also inspected three biological sites, including a visit to the Al Hakim Single Cell Production Facility. Nothing related to Security Council resolution 687 (1991) was found. However, some of the sites will have to be subjected to compliance monitoring.

8. Two question-and-answer "seminars" were held on biological weapons issues. As with the chemical issues, no useful information was obtained.

9. UNSCOM53/BW3 conducted inspection activities from 11 to 18 March 1993. Seven sites were inspected, including one that was undeclared and never previously visited by the Commission. The items inspected included research equipment, munitions and munition-filling equipment (which transpired to be conventional items). No evidence was found of activities related to Security Council resolution 687 (1991) but, as with most bacteriological weapons-related activities, many sites were found to have a dual-purpose capability. Consequently, the team made recommendations for compliance-monitoring activities.

C. Ballistic missile inspections

10. UNSCOM50 was conducted from 14 to 21 February 1993. This inspection recorded serial numbers of specific machinery and details of raw materials (to assist in the determination of the Iraqi supplier network) and assessed the capabilities of certain establishments and facilities in Iraq, including the Nasser State Establishment, the Yawm Al Azim Facility and the TECO test stand at Zaafaraniyah. The team also supervised the destruction of the dies and molds at Taji used or intended for use in proscribed missile activities.

11. The mission of UNSCOM51 was to check specific information that items proscribed by Security Council resolution 687 (1991) were present in an area west of Baghdad. The items were reported to be related to ballistic missiles with a range greater than 150 kilometres and their associated vehicles. Three undeclared sites, suspected of concealing them, were thoroughly inspected: a large military ammunition production plant and two military units. The Commission designated each site for a short-notice inspection by UNSCOM51. The team conducted its activities on 22 February and mixed proven operational practices with a number of new operational modalities. The inspection team was established and dispatched to Iraq in very short order; it was augmented by the inspection personnel from UNSCOM50, already in Iraq. The designated sites were inspected immediately upon the arrival of the team in Iraq. Helicopter and high-altitude surveillance aircraft were fully integrated into the overall inspection programme. No proscribed items or activities were observed by any of the inspection elements.

12. However, during the inspection, a serious breach of the Commission's aerial surveillance rights occurred. A helicopter was initially prevented from establishing aerial surveillance over one site. Iraqi officials employed repeated and open threats of force to impede the helicopter's mission. On one occasion, this threat was aggravated by Iraqi personnel aiming and training their anti-aircraft guns on the helicopter. These actions on the part of Iraq put Commission personnel in real danger and constituted a gross violation of the Commission's rights and immunities. This serious incident was reported by the Executive Chairman to the Security Council on 24 February 1993. A full account, in the form of the note handed over to the President of the Council on that occasion, follows.

"Incident involving a Commission helicopter on 22 February 1993"

"1. On 22 February 1993, one of the Special Commission's helicopters was flown in support of an inspection of three sites by Special Commission ground inspection teams. This flight had been notified to and acknowledged by the Iraqi authorities under established modalities.

"2. The Special Commission had information that missiles and launchers proscribed by resolution 687 (1991) might be concealed at the sites concerned and the helicopter air surveillance was undertaken so as to ensure that nothing was removed from the sites during the course of the short-notice ground inspection.

"3. At 1320 hours, the crew of the Special Commission's helicopter, on approaching one of the sites, was informed by radio from the accompanying Iraqi helicopter escort that the Commission's helicopter would not be permitted to fly over the site and it was forced to circle 1 to 2 kilometres north-west of the site. The crew contacted the Commission's Chief Inspector on the ground and informed him of the refusal received from the Iraqi authorities. The crew were ordered by the Chief Inspector to proceed again in the direction of the site. As the crew carried out these instructions, they were informed by the Iraqi helicopter escort that, if the Commission's helicopter did not turn away from the site, it would be shot down. Visual observation from the helicopter confirmed that the anti-aircraft guns on the ground were being trained on and were tracking the helicopter. On receipt of this information, the Chief Inspector ordered the helicopter to withdraw to the other inspection sites.

"4. While circling the other inspection sites, the Iraqi authorities ordered the helicopter to return to its base at Rasheed and again threatened to shoot down the helicopter if it did not return to Rasheed. In the circumstances, the captain had no alternative but

to proceed in the direction of Rasheed. While *en route* there a new communication was received from the Iraqi authorities that aerial inspection of the site could now take place. The helicopter proceeded to the site where the Iraqi authorities imposed new restrictions, permitting it to fly only over the western side of the area. Shortly thereafter, the helicopter had to return to Rasheed because of lack of fuel, landing there at 1512 hours.

"5. At Rasheed airbase, the Special Commission's Chief Aerial Inspector strongly protested to the local Iraqi officials the above events and indicated that one result had been that the aerial inspection had not been able to complete the tasks assigned to it. He indicated his intention to refuel and to return to the area to complete the assignment. The local Iraqi officials, after checking with higher authorities by telephone, interposed no objection, and the flight thus took place.

"6. In a subsequent interview between the Special Commission's Chief Inspector and General Amer Rashid, in response to the former's strong protest at the Iraqi threats to shoot down a Special Commission helicopter undertaking assigned aerial surveillance in support of a ground inspection under Security Council resolution 687 (1991), General Amer responded that the statements that the helicopter would be shot down were standard military practice."

D. Interim monitoring

13. Iraq's continued failure to acknowledge its obligations under resolution 715 (1991) is a major factor preventing the initiation of long-term monitoring by the Commission of Iraq's activities. Meanwhile, as has been ascertained in the course of recent Commission ballistic missile inspections, Iraq is actively pursuing missile-related activities that are covered by the long-term monitoring plan, to include the establishment of a dedicated missile research and design centre north-west of Baghdad.

14. This facility, known as the Ibn Al Haytham Missile Research and Design Centre, was established by Iraq on 4 April 1992 as the main centre for research and design activity in Iraq involving ballistic missiles not prohibited by resolution 687 (1991). This Centre is involved not only in the maintenance of existing permitted missile systems, but also in the design of new missile systems, including the Ababil 100 with a range close to 150 kilometres. The Centre employs many of the scientists and technicians who were involved in the proscribed ballistic missile programmes prior to the Gulf War and adoption of resolution 687 (1991).

15. In the absence of Iraq's acknowledgement of resolution 715 (1991), which delays long-term monitoring efforts across the whole spectrum of Iraqi missile-related activities, interim monitoring of the Ibn Al Haytham Centre was initiated by the Commission to track Iraqi ballistic missile programmes to ensure that no proscribed activity is taking place. The first interim monitoring team, IMT1a, was sent into Iraq on 25 January 1993, where it spent eight weeks investigating the work of the Ibn Al Haytham Centre. The focus of the IMT1a mission was in the area of liquid propulsion systems and related technologies.

16. Based upon the results of IMT1a, the Commission dispatched to Iraq a new team of interim monitors, IMT1b, to relieve IMT1a on 27 March 1993. The purpose of the team was mainly to investigate and assess Iraq's capabilities to produce solid propellant missile systems and to establish the relationships between the various facilities involved in such activities within the Military Industrialization Corporation. It conducted its activities over a 52-day period 27 March to 17 May 1993, centred around 2 facilities: the Al Rasheed Factory, comprising the 3 plants, and the Al Qa'qaa' Establishment. In

addition, the team visited the Ibn Al Haytham Research Centre, the focus of the previous monitoring team's activities, and other sites related to missile research and development in and around Baghdad.

17. The main issues discussed with the Iraqi counterparts included details of Iraq's missile designs; Iraq's knowledge of solid propellant technology; Iraq's general capabilities in missile production, both of complete systems and of components; Iraq's ability to increase the range of existing systems; the current status of Iraq's production facilities; and its plans for missile research, development, testing and production.

18. The information obtained by the team has improved the Commission's understanding of Iraq's past weapons programmes and of its technology baseline. It should, furthermore, be of use as and when the Commission is able to commence ongoing monitoring and verification activities in accordance with the plan approved by the Security Council in its resolution 715 (1991).

19. A third interim monitoring team entered Iraq on 5 June 1993. The main focus of this team is Iraq's production capacity in the ballistic missiles area. A full assessment and inventory will be made of Iraq's high-precision machine tools. Accompanying the team was a smaller sub-team whose task was to install cameras to monitor rocket test stands at two sites. Iraq was informed of the Commission's intention to install these cameras on 6 June 1993 but, as noted in the main body of the report, Iraq has to date blocked their installation on the grounds that they comprise sensors for monitoring under resolution 715 (1991), a resolution which Iraq says it will not accept, despite its being adopted unanimously by the Security Council acting under Chapter VII of the Charter.

20. Each interim monitoring team has been initially accompanied by a specialist team from the Commission, to oversee the establishment of the modalities of inspection and conduct preparatory discussions with Iraqi officials concerning the implementation of the interim monitoring regime. Interim monitoring of Iraqi missile-related facilities will continue as long as the Commission deems necessary.

E. Removal of nuclear fuels

21. Under paragraph 12 of Security Council resolution 687 (1991), Iraq is required to place all its nuclear-weapons-usable materials under the exclusive control, for custody and removal, of IAEA, with the assistance and cooperation of the Special Commission. It has already proved possible to remove from Iraq all the fresh uranium fuel assemblies intended for use in the reactors at Tuwaitha.

22. However, the complex legal and practical problems involved in removing, reprocessing and permanently storing the resultant wastes from the irradiated fuel assemblies used in the reactors and now stored at Tuwaitha and Location B, have so far delayed the removal of this nuclear fuel.

23. In late 1992, IAEA again approached the nuclear-weapons-States with a request for proposals for removal of the irradiated fuel assemblies, reprocessing and permanent storage of the resultant wastes. On the basis of replies received, negotiations have been entered into with CIR Minatom of the Russian Federation for a contract that would cover all aspects of removal, reprocessing and permanent storage of the resultant wastes. The Special Commission, which will be required to finance the contract, has been actively participating in these negotiations.

24. From 19 to 24 April 1993, an IAEA survey mission, with the participation of representatives of the United Nations, the Special Commission, CIR Minatom and its principal subcontractor for operations in Iraq - the Nuclear Assurance Corporation of the United

States - visited Iraq to survey the sites where the removal of the fuel will be undertaken and to arrive at understandings with the Government of Iraq on its provision of services, equipment and manpower for the preparation and removal from Iraq of the 208 irradiated fuel assemblies.

25. A contract was concluded at Vienna on 14 June 1993. IAEA, the United Nations and the Special Commission insisted that the fuel assemblies are to be dealt with in accordance with all requisite international and national safety requirements and that the contract be for a fixed price without the possibility of major cost overruns.

APPENDIX III

List of incidents

A. Restrictions on the scope of inspections

1. During the course of the first interim monitoring team's mission, several other discussions occurred that indicated a misconception, deliberate or otherwise, on the part of Iraq. The Iraqi counterparts questioned the right of the team to make an inventory of or to tag certain items of equipment at the sites monitored, requesting that specific criteria be established and used to decide which items might be so treated. The team did not accept this position. Iraq indicated that certain items were of no concern to the Special Commission, when clearly the decision as to what is of concern to it lies with the Commission. Furthermore, some of the items involved have the potential to be used for proscribed purposes. The counterparts also complained about the purpose of this team, stating that it was to control, not monitor, Iraq's activities.

B. Denial of, or restrictions on, access and delays to inspection

2. On four occasions, Iraq has sought to deny the Commission's basic aerial rights - once in relation to entry of transport aircraft into and out of Iraq [see S/25172] and thrice in relation to overflight of sites for aerial surveillance by helicopter. Except for the flight over the two sites on the outskirts of Baghdad [see S/24985], the Commission was eventually able to conduct the flights. However, as already reported to the Council, one of these flights had to be conducted with a restricted flight pattern, and not before Iraq had threatened to shoot the helicopter down if it did not leave the vicinity of the site.

3. Iraq has also hindered access for inspection teams, sometimes seeking, on spurious grounds, completely to deny access. One team was initially denied access because inspection would "breach the sanctity of universities and would upset the students". In each instance, the inspection eventually took place. In the period under review, a total of eight Commission inspection activities were seriously delayed, in one case by over four hours. One, the aerial surveillance on the outskirts of Baghdad, has been blocked.

C. Restrictions on aerial rights

4. Paragraphs 11 (f) and (h) of the six-monthly report of 17 December 1992 [see S/24984] described at length the problems faced until that date by the Special Commission. Problems have continued since. In addition to the incidents referred to in paragraph 2 above, Iraq has created further difficulties in relation to the Commission's aerial rights.

5. In his letter of 5 August 1992, Mr. Al-Zahawi, Adviser in the Iraqi Ministry for Foreign Affairs, informed the Executive Chairman of the Special Commission that his request to use the Al-Rasheed airfield as the point of entry and departure for inspection teams was

unworkable as the airfield was unserviceable. The Deputy Executive Chairman replied the next day, expressing the desire to use Al-Rasheed airfield as soon as it became operational. Recently, Sudanese Airways Boeing 707 aircraft have been observed using this airfield. However, inquiries by Commission personnel about the possibility of using it as the point of entry and exit have met with the response that such a decision would be political. No progress has been made on this issue.

6. Iraq has created problems in the operation of the aerial inspection team. It has sought: to establish "no-go" areas over which the team may not fly and which may not be included in the boxes designated the night before aerial inspections; to prevent the team taking photographs and using binoculars while flying between designated sites and even over the designated site; to regulate the altitude at which the helicopters may fly over certain areas; and to demand 10 minutes' notice before an aerial inspection starts.

7. Each time the Commission's high-altitude U-2 surveillance aircraft flies, Iraq lodges a formal complaint about its activities. Iraq persists in calling the aircraft a United States spy plane and has recently described it as being used for "despicable criminal purposes", despite its United Nations registration and mandate. On 8 March 1993, the Minister for Foreign Affairs of Iraq, Mr. Al-Sahaf, addressed a letter to the Secretary-General [see S/25387], which alleged that the aircraft had been used to assist in the planning of an Israeli operation to assassinate President Saddam Hussein.

D. Limits on the duration, size and composition of inspections

8. Iraq has sought to limit the duration of both monitoring and aerial surveillance activities, indicating, in relation to the former, that it should be of finite duration and, in relation to the latter, that aerial inspections should not last longer than 15 minutes.

9. Iraq has also sought to limit the size of inspection teams at certain sites it deems sensitive, such as universities, and to interfere in the composition of the team by, for example, seeking to exclude the Commission's own interpreters from a team. It has also sought to establish that those involved in the chemical destruction group at Al Muthanna are not permitted to take part in other inspection activities and to limit the turnover of Commission personnel in the helicopter support staff.

10. It is clear from the Status Agreement of May 1991 that the Commission has the right to decide the expertise it needs to conduct inspections and hence the right to choose the number and the types of experts it needs on each team and to inspect each site. Iraq is obliged to allow personnel named by the Commission access to conduct their tasks.

E. Advance notice of inspection activities

11. For aerial surveillance activities, Iraq has sought to establish that it should receive advance notice of the site to be surveyed. No-notice inspections are essential to the effectiveness of the Commission.

F. Provision of data

12. As noted in paragraphs 9 (b) and 15 of the main part of the report, Iraq has failed to provide adequate declarations either of its past proscribed programmes or of its dual-capability facilities, which would need to be incorporated into the plans for ongoing monitoring and verification. The Commission has sought to supplement those declarations during each of its inspections. However, Iraq refuses to offer information willingly, or at all, in certain key areas, e.g. on its supplier networks or its previous use of chemical weapons.

Consternation has also been expressed by Iraqi counterparts that the Commission continues to ask questions about Iraq's past programmes, despite the fact that these questions are asked because of Iraq's failure to fulfil its obligation to make full, final and complete disclosures on all aspects of its past programmes.

13. Furthermore, Iraq has been unable or unwilling to produce specific items of equipment that the Commission has evidence were supplied to Iraq. Teams continue to find equipment and documents containing information pertinent to their mandate under the resolutions and ongoing monitoring and verification plans.

G. Photography

14. Iraq has sought to limit the Commission's unrestricted right to photograph any item or activity it deems of relevance to its task. Iraq has delayed photography until "permission" has been obtained from more senior officials; it has sought to prevent photography over a designated site; and it has sought to limit aerial photography to items within a set perimeter and inspection team photography to items Iraq deems to be related to resolution 687 (1991). If this last rule were applied, it would open the possibility of Iraq deciding what was "687-related" and could be used by Iraq to exclude all dual-purpose facilities, items and activities covered by the plans approved under resolution 715 (1991).

H. Security

15. The issue of security was dealt with at length in appendix II to document S/24984. Since that report and in addition to the threats to the Commission's aircraft referred to above, there have been continued incidents of vandalism of Commission vehicles, including the smashing of windscreens, windows and mirrors and the breaking of aerials. Four of these incidents occurred while the vehicles were being driven by Commission personnel. In one such incident, the drivers were medics and the vehicle bore Red Crescent markings. These ambulances have also come under attack whilst parked in hotel car parks.

16. Items continue to be taken from the offices and personal quarters of the Commission. Staff continue sporadically to receive threatening and harassing telephone calls in their hotel rooms in the middle of the night. On 8 June 1993, members of an inspection team had light bulbs thrown at them while they were walking to a restaurant at Baghdad.

APPENDIX IV

Destruction of Iraq's chemical agents and munitions

1. The present report focuses on developments since the last report.

A. Operations at Muhammadiyat

2. On 21 February 1993, activities started at Muhammadiyat, a chemical weapons storage site west of Baghdad. Most of the stable, filled munitions have been transported to Muthanna (99 250-gauge bombs, 21 500-gauge bombs and 9 DB0 bombs). Destruction on site of unfilled (52 DB0 bombs and 1,105 DB2 bombs) and unstable filled (81 250-gauge bombs and 6 500-gauge bombs) munitions has started. Remaining at Muhammadiyat are 5,127 250-gauge and 1,094 500-gauge bombs (unfilled) and 20 mustard-agent-filled 250-gauge bombs.

B. Incinerator operations

3. The incinerator operates at temperatures in excess of 1,100°C and so meets the specifications set by the Destruction Advisory Panel for the destruction of mustard agent and precursors. During the third

week of March 1993, a combustion efficiency monitoring system was installed to monitor performance by continuously measuring concentrations of the combustion gases.

4. Mustard agent is destroyed either by direct injection into the furnace or in a toluene/benzene/diesel mix. Some of the mustard agent has polymerized, complicating the process of extraction and destruction.

C. Hydrolysis operations

5. The neutralization of nerve agents by hydrolysis continued. In early February 1993, hydrolysis of the bulk stocks of the nerve agent sarin was completed, followed shortly after by the completion of the explosive incineration of 122mm sarin-filled rockets on 14 February 1993. On 23 April the destruction of the remaining sarin from the Al Hussein warheads was completed. On 15 February 1993, operation of the hydrolysis plant turned to destruction of the tabun precursor D4.

D. Destruction of munitions

6. During the period covered by the present report, destruction of the following munitions was completed: 122mm rocket motors and components, R400 aerial bombs and tail fin assemblies, unfilled 250-gauge bombs (by cutting) and unfilled DB2 bombs (by crushing). Drainage of 250- and 500-gauge aerial bombs continued and a technique of venting the 155mm mustard-filled projectiles was developed and adopted as the key initial step in the method for their destruction.

E. Status of destruction activities as of 17 June 1993

265 122mm rockets and warheads

6,152 122mm rocket warheads

873 122mm rocket motors

16,885 122mm rocket propellant grains

1,977 122mm rocket motor tubes

1,492 155mm mustard projectiles

21 empty 155mm projectiles

29 Al Hussein warheads for GB/GF

347 R400 bombs

333 R400 tail fin assemblies

1,473 partially filled and polymerized 250- and 500-gauge aerial mustard bombs

120 litres of GB nerve agent

61,273 litres of GB/GF nerve agent

69,328 kg mustard agent

73 005 litres of D4

14,600 litres of DF

1,120 litres dichlorethane

107,148 litres isopropyl alcohol

28,730 litres thio-diethyleneglycol
 1,200 litres cyclohexanol/isopropyl alcohol
 297,400 litres phosphorous oxychloride
 134,200 litres thionyl chloride
 415,000 litres phosphorous trichloride
 32 2-ton bulk storage containers

APPENDIX V

Information Assessment Unit

1. During the period under review, the Information Assessment Unit has been strengthened and the Commission has been able to make good use of its improved capabilities.

2. The Unit is mandated to carry out the collection and management of information and to assess available data, in order to create a strong foundation for the Special Commission's implementation of the tasks entrusted to it by the Security Council.

3. With regard to information collection, the Unit is, *inter alia*, identifying information gaps and preparing proposals for how they might be filled using the Commission's collection capabilities. These capabilities include the high-altitude reconnaissance aircraft (U-2), which is currently carrying out up to three surveillance missions per week over Iraq. U-2 imagery is the property of the Commission. It is processed for the use of the Commission (and IAEA) with the help of the United States Government. The Unit is responsible for the tasking of the U-2, coordinating its operations and, with the support of United States specialists, the assessment and interpretation of the imagery.

4. The Unit is furthermore responsible for the aerial inspection activities using the Commission's helicopters at Baghdad as a platform. Thus the Unit identifies targets for aerial inspections carried out by the aerial inspection team permanently based at Baghdad. The aerial inspections utilize first and foremost photography, but other means are also in planning. The imagery resulting from these surveys is analysed by the Unit's photographic interpreters. The imagery, as well as other data acquired through the aerial surveillance activities, are made available for operational planning purposes.

5. The Unit also maintains contacts with relevant agencies within the supporting Governments and requests and obtains from them information of relevance for the work of the Commission.

6. The management of the large amount of data made available to the Commission is a growing responsibility for the Unit. The sources for the data to be dealt with by the Unit are, in addition to Iraq's own declarations, the inspection reports, the aerial surveillance products and the information from Governments.

7. The Unit has spent considerable time in developing ways and means for effective and dynamic management of the wealth of data collected by it. An information management evaluator has been assisting the Commission in developing a data management system corresponding to the needs of the Information Assessment Unit. Inside the Unit, a fully functional data management system is now in place. Some more equipment has to be purchased and recruitment of further operating personnel is under way.

8. The assessment or analytical work on available data carried out in the Unit constitutes, in many respects, the heart of the Commission's activities. This work sets the agenda for the operations

side and provides the Executive Chairman with the substance and the technical foundation for reports to the Security Council, for the political evaluation of the extent of Iraq's implementation of its obligations under the cease-fire arrangements and for assessments of the magnitude of the remaining tasks. The significance and importance of the analytical work will only grow with the gradual introduction of monitoring and verification in the activities of the Commission.

9. It is the ambition to keep the Unit, on a continuous basis, staffed with analysts knowledgeable in all the relevant weapons and production categories. However, as there are both practical reasons and reasons of principle for expanding their experience in the field, analysts will regularly participate in inspection teams.

Aerial surveillance programmes

10. As of 15 June 1993, 236 targets had been subjected to helicopter surveillance, and 141 U-2 missions had been flown.

High-altitude surveillance

11. As additional staff has become available to the Unit, particularly additional photographic interpreters, the Unit has been increasingly able to provide specific taskings for U-2 missions. Prior to this, the U-2 operated primarily on the basis of a general priority list, rather than specific taskings to photograph specific sites.

Helicopter surveillance

12. Over the past several months, the focus of the helicopter photographic surveillance programme has been on sites which, at least potentially, are to be subjected to long-term monitoring. Some 60 monitoring missions have been completed. The first such mission at a given site is intended to produce comprehensive photographic coverage of it; subsequent missions would normally involve photography only of changes at the site evident from visual observation.

13. Helicopter surveillance missions continue to be executed in conjunction with ground inspections; typically, the aerial inspection team on board the helicopter is used to "secure" a site subjected to a surprise inspection. In this context, to "secure" a site is to maintain surveillance so as to spot any attempt by Iraqi authorities to remove proscribed items prior to the site being sealed off by the ground inspection team. Subsequently, the aerial inspection team can conduct a normal photographic mission of the site.

14. During UNSCOM51, for example, both the heliborne aerial inspection team and the U-2 were used for surveillance of the sites being inspected by the ground teams.

APPENDIX VI

Inspection schedule

(In-country dates)

Nuclear

15 May-21 May	1991	IAEA1/UNSCOM 1
22 June-3 July	1991	IAEA2/UNSCOM 4
7 July-18 July	1991	IAEA3/UNSCOM 5
27 July-10 Aug	1991	IAEA4/UNSCOM 6
14 Sept-20 Sept	1991	IAEA5/UNSCOM 14
21 Sept-30 Sept	1991	IAEA6/UNSCOM 16
11 Oct-22 Oct	1991	IAEA7/UNSCOM 19
11 Nov-18 Nov	1991	IAEA8/UNSCOM 22

11 Jan-14 Jan	1992	IAEA9/UNSCOM 25
5 Feb-13 Feb	1992	IAEA10/UNSCOM 27
5 Feb-13 Feb	1992	IAEA10/UNSCOM 30
7 Apr-15 Apr	1992	IAEA11/UNSCOM 33
26 May-4 June	1992	IAEA12/UNSCOM 37
14 July-21 July	1992	IAEA13/UNSCOM 41
31 Aug-7 Sep	1992	IAEA14/UNSCOM 43
8 Nov-19 Nov	1992	IAEA15/UNSCOM 46
5 Dec-14 Dec	1992	IAEA16/UNSCOM 47
22 Jan-27 Jan	1993	IAEA17/UNSCOM 49
3 Mar-11 Mar	1993	IAEA18/UNSCOM 52
30 Apr-7 May	1993	IAEA19/UNSCOM 56

21 Feb-24 Feb	1992
17 July-19 July	1992
28 July-29 July	1992
6 Sept-12 Sept	1992
4 Nov-9 Nov	1992
13 Mar-22 Mar	1993
19 Apr-24 Apr	1993

DOCUMENT S/25978

Letter dated 21 June 1993 from the representative of the Sudan to the President of the Security Council

[Original: English]
[21 June 1993]

Chemical

9 June-15 June	1991	CW1/UNSCOM 2
15 Aug-22 Aug	1991	CW2/UNSCOM 9
31 Aug-8 Sept	1991	CW3/UNSCOM 11
31 Aug-5 Sept	1991	CW4/UNSCOM 12
6 Oct-9 Nov	1991	CW5/UNSCOM 17
22 Oct-2 Nov	1991	CW6/UNSCOM 20
27 Jan-5 Feb	1992	CW7/UNSCOM 26
15 Apr-29 Apr	1992	CW8/UNSCOM 35
21 Sept-29 Sept	1992	CW9/UNSCOM 44
6 Apr-18 Apr	1993	CW10/UNSCOM 55
18 Nov-1 Dec	1991	CBW1/UNSCOM 21
26 June-10 July	1992	CBW2/UNSCOM 39
6 Dec-14 Dec	1992	CBW3/UNSCOM 47
21 Feb-24 Mar	1992	CD1/UNSCOM 29
5 Apr-13 Apr	1992	CD2/UNSCOM 32
18 June	1992-	CDG/UNSCOM 38

Further to my letter dated 25 May 1993 [S/25925], I have the honour to transmit herewith for your kind attention a letter from Mr. Hussain Abu Salih, Minister for Foreign Affairs of the Republic of the Sudan regarding the unabated aggression of the Egyptian Government on the Sudanese region of Halaib.

This blatant aggression of the Egyptian authorities constitutes a grave threat to the peace and security in the area.

I should be grateful if you would kindly circulate this letter as a document of the Security Council.

(Signed) Ahmed SULIMAN
Permanent Representative of the Sudan
to the United Nations

Biological

2 Aug-8 Aug	1991	BW1/UNSCOM 7
20 Sept-3 Oct	1991	BW2/UNSCOM 15
11 Mar-18 Mar	1993	BW3/UNSCOM 53

LETTER DATED 19 JUNE 1993 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE SUDAN TO THE PRESIDENT OF THE SECURITY COUNCIL

[Original: Arabic]

Ballistic missiles

30 June-7 July	1991	BM1/UNSCOM 3
18 July-20 July	1991	BM2/UNSCOM 10
8 Aug-15 Aug	1991	BM3/UNSCOM 8
6 Sept-13 Sept	1991	BM4/UNSCOM 13
1 Oct-9 Oct	1991	BM5/UNSCOM 18
1 Dec-9 Dec	1991	BM6/UNSCOM 23
9 Dec-17 Dec	1991	BM7/UNSCOM 24
21 Feb-29 Feb	1992	BM8/UNSCOM 28
21 Mar-29 Mar	1992	BM9/UNSCOM 31
13 Apr-21 Apr	1992	BM10/UNSCOM 34
14 May-22 May	1992	BM11/UNSCOM 36
11 July-29 July	1992	BM12/UNSCOM 40A+B
7 Aug-18 Aug	1992	BM13/UNSCOM 42
16 Oct-30 Oct	1992	BM14/UNSCOM 45
25 Jan-23 Mar	1993	IMT1a/UNSCOM 48
12 Feb-21 Feb	1993	BM15/UNSCOM 50
22 Feb-23 Feb	1993	BM16/UNSCOM 51
27 Mar-17 May	1993	IMT1b/UNSCOM 54
5 June	1993-	IMT1c/UNSCOM 57

With reference to the letter dated 30 May 1993 from the Minister for Foreign Affairs of Egypt [see S/25926] in response to our letter dated 18 May 1993 [S/25925] concerning the persistence of the Egyptian Government in its violations of and open aggression against Sudanese sovereignty in the Halayib area, which pose a threat to security, peace and stability in the entire region and not only in the Sudan and Egypt, we should like to inform the Council as follows:

1. The Council has no doubt noted that each of the letters we have addressed to you since the Egyptian aggression against Sudanese sovereignty began has conveyed both a record of the latest developments with respect to Egyptian violations and an affirmation of the official position of Sudan concerning those violations.

Since the Sudan is fully aware of the rules and possible frameworks for addressing the situation at this stage of development of the dispute, we are anxious to place the Council in possession of the facts relating to all ongoing developments on the ground in the Halayib triangle.

2. Accordingly, the attempts made at a number of points in the letter from the Minister for Foreign Affairs of Egypt

Special missions

30 June-3 July	1991
11 Aug-14 Aug	1991
4 Oct-6 Oct	1991
11 Nov-15 Nov	1991
27 Jan-30 Jan	1992

addressed to you to belittle and disparage the importance of our previous letters assuredly do not refute an official position registered by the Sudan with the Council concerning Egyptian occupation and Egyptian violations of the Sudan's sovereignty in the Halayib region.

While the Minister for Foreign Affairs of Egypt has failed to perceive its importance, we have to state that this position is fully in keeping with the insistence of all successive Sudanese Governments since 1958 that the Sudan's complaint against Egypt with regard to its encroachment on the Halayib region should continue to stand pending its resolution by political, legal or judicial means in accordance with the provisions of the Charter of the United Nations.

3. We note that the letter of the Minister for Foreign Affairs of Egypt again reiterates the statements already made by Egypt to the effect that the northern boundaries of the Sudan were established by the Agreement of 1899 at the 22nd parallel and that the modifications made to them in 1902 and 1907 were administrative adjustments by which no derogation of Egypt's sovereignty was intended.

You are aware from our previous letters that the Sudan concedes that the 1899 Agreement is among the legal documents, instrumentalities, concepts and principles that govern the status of the boundary between the Sudan and Egypt. It is not, however, uniquely authoritative in establishing the boundaries between the two countries, and there are a number of other legal documents to which appeal must be made in the boundary dispute between the two countries or in any boundary dispute.

4. Although the Sudan adheres to the view previously expressed in its letters that the Council is not a *forum contentiosum*, we should like to call its attention to the following:

(a) The 1899 Agreement is that self-same Agreement that has been rejected by all successive Egyptian nationalist movements and governments and regarded by them as null and void and devoid of force or effect. This is demonstrated by the official Egyptian documents themselves as well as by other international instruments and documents.

(b) The correct official title of the 1899 Agreement is "Agreement for the Future Administration of the Sudan", meaning an agreement "concerning the future administration of the Sudan" or "concerning the administration of the Sudan in the future". This being the case, how can this allow the Egyptian Government to claim that the 22nd parallel is the "international boundary" between the Sudan and Egypt? It should be understood that neither Egypt nor the Sudan was a "nation" at the time the agreement was concluded in 1899. Egypt was a de facto British protectorate and, indeed, an Ottoman province.

(c) Since the basic objective of the 1899 Agreement was the administration of the Sudan in the future, is it not logical for us to ask: Why should the 22nd parallel not be an administrative boundary between two entities or regions over

which effective control was exercised by one of the great Powers, namely Great Britain, given that Egypt continued to be a British protectorate until 1922?

(d) International boundaries are not necessarily determined by a single authoritative source. The principle is rather that, in establishing their legal status, appeal should be made to numerous other legal documents and instruments, to maps, to legal principles, and to those means of arbitration that have settled numerous international boundary disputes.

5. The Minister for Foreign Affairs of Egypt is also of the view that Egypt's sovereignty over the Halayib area is based on the factual situation. Without entering into details, we should like to state that the modification of the 1899 Agreement was carried out with the intention of amending the 22nd parallel to accord with the demographic situation in terms of tribal affiliation and allegiance in the two countries. We agree with the Minister for Foreign Affairs of Egypt that the modifications were also made for humanitarian reasons. This perhaps accords with the statement made by the representative of the United Kingdom concerning the status of the boundaries between the two countries at the meeting held by the Security Council on 21 February 1958 on the complaint by the Sudan.

6. The current factual situation on which the Minister for Foreign Affairs of Egypt bases himself in his letter addressed to you is, in the view of the Sudan, one of Egyptian occupation and an attempt by the Egyptian armed forces to perpetuate that occupation by military and civil measures. It is, in the view of the Sudan, an act of aggression that is unacceptable and is null and void. The Sudan calls once more for recourse to international law and to nothing but international law, in accordance with those provisions of the Charter relating to the settlement of disputes and as set forth in detail in Article 38 of the Statute of the International Court of Justice.

7. The higher authorities in the Sudanese and Egyptian Governments agreed to establish a Joint Commission of the two parties as a mechanism for the discussion and resolution of the various aspects of the dispute. Despite the continuing Egyptian violations of Sudanese sovereignty at Halayib, the Sudan remains prepared to pursue the dialogue through the Joint Commission subject to the withdrawal by Egypt of its occupying forces and a return to the situation prevailing in the area in March 1992, when the meetings of the Joint Commission began. The Sudan sees no point in the meetings of the Joint Commission continuing while Egypt is persisting in its violations and in its occupation of the territory in dispute.

8. It is our belief that the proposal of the Minister for Foreign Affairs of Egypt that the dispute with the Sudan should be settled within the framework of the Commission established for this purpose adds nothing new as long as the Egyptian authorities continue to alter the character of the area and to occupy it by military force. The Egyptian authorities have persisted in their violations of Sudanese sovereignty and indeed in their violations of the conventions, rules and provisions of international law, inasmuch as they have unilaterally and by force of arms proceeded to demarcate the

boundaries in dispute between the two countries and to install markers on the ground.

As you are aware, the determination of boundaries goes through numerous stages before it reaches the stage of demarcation on the ground, which is carried out by a joint team of the two parties. It is well established in boundary-making that the joint team in question should have determinative powers that enable it to take account of humanitarian aspects, sound administration and the actual situation within a framework of justice and fairness for both parties.

9. The Sudan is anxious to have recourse to the customary legal and judicial procedures in order to resolve such differences. In our previous letters to you, we called upon the Egyptian Government to declare its agreement to withdraw its military forces from Sudanese territory and to choose the mechanisms and means for the diplomatic and legal solution that it desires, whether by judicial means or through arbitration.

10. The occupation of territory by military force does not provide a durable solution to any dispute. Accordingly, we have made a point of inviting the Egyptian Government to participate in creating an appropriate atmosphere for dialogue and negotiations. We once again repeat that invitation, despite the continuing escalation, the concentration of Egyptian military forces at Halayib and the fact that Sudanese nationals are being prevented from entering the Halayib area, all of which may have grave consequences for the region.

This is the Sudan's official position with regard to the dispute concerning the Halayib region. Accordingly, we call upon you to have the Council assume the task of containing an explosive situation that poses a threat to security and peace in the region and to induce Egypt to withdraw its forces from the Halayib region, rescind all of the measures it has taken in the area and ensure an appropriate atmosphere for the resumption of the talks within their proper legal framework.

(Signed) Hussain Suliman ABU SALIH
Minister for Foreign Affairs of
the Republic of the Sudan

DOCUMENT S/25979

**Letter dated 21 June 1993 from the representative of
Iraq to the President of the Security Council**

[Original: Arabic]
[21 June 1993]

On instructions from my Government, I have the honour to transmit herewith a letter dated 20 June 1993 from Mr. Mohammed Said al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq.

The letter contains an explanation of Iraq's position on the matters put forward by the Executive Chairman of the United

Nations Special Commission during the Council's deliberations on 18 June 1993.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Adnan MALIK
Chargé d'affaires a.i. of the Permanent Mission
of Iraq to the United Nations

**LETTER DATED 20 JUNE 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF IRAQ TO THE PRESIDENT
OF THE SECURITY COUNCIL**

We have seen the statement issued by the Security Council following its meeting on Friday, 18 June 1993 [S/25970], in which the Council discussed subjects to do with Iraq. We have also learned that Ambassador Rolf Ekéus, the Executive Chairman of the United Nations Special Commission (UNSCOM), participated in the meeting and that it was he who presented the position of Iraq on a number of issues.

We wished to be invited ourselves to present, in a direct manner or by personal attendance, the Iraqi position on the matters concerning Iraq on the agenda of the Friday meeting. We were, however, denied the opportunity so to do; and the Security Council found it sufficient to listen to the views submitted by the UNSCOM Executive Chairman, and subsequently issued its statement on the subject. We therefore find it necessary to clarify the position of Iraq on the matter presented by the UNSCOM Executive Chairman.

The Special Commission, which has in actual fact completed supervising the implementation of all the fundamental parts of section C of resolution 687 (1991), wants now to begin implementing the provisions of resolution 715 (1991) without having committed itself to informing the Security Council that Iraq's compliance with the provisions of section C of resolution 687 (1991) makes it incumbent upon the Council to begin considering in earnest the implementation of paragraph 22 of resolution 687 (1991), that is, lifting the economic sanctions imposed upon Iraq.

This is the main issue; and to describe the situation in the manner presented by the Executive Chairman of the Special Commission, claiming that Iraq has been in violation of resolution 687 (1991), is something that cannot be further from the truth. Iraq has indeed accepted and actually implemented this resolution. But the resolution itself states, in paragraph 22, that the Security Council:

"Decides also that upon the approval by the Council of the programme called for in paragraph 19 above and upon Council agreement that Iraq has completed all actions contemplated in paragraphs 8 to 13 above, the prohibitions against the import of commodities and products originating in Iraq and the prohibitions against financial transactions related thereto contained in resolution 661 (1990) shall have no further force or effect".

This paragraph is as much mandatory as are all other parts of the resolution. To claim that Iraq has been, or intends to be, in violation of resolution 687 (1991) is totally baseless. Iraq has implemented all the fundamental obligations contained in this resolution. What is happening now, in actual fact, is that Iraq is being subjected to a politically motivated position which demands that Iraq should implement everything stated in the resolutions of the Security Council without the Council showing any commitment, for its part, to the lifting of the economic blockade imposed upon the Iraqi people.

This politically motivated and unjust position, which certain parties are trying to enforce, runs counter to the provisions of Security Council resolution 687 (1991). Iraq is ready to fulfil the remainder, if any, of its obligations. The Security Council should also, for its part, be ready to honour its obligations and should refrain from imposing additional political conditions upon Iraq in this regard.

Iraq has requested that the President of the Security Council conduct a professional, legal and technical review of what has been implemented of resolution 687 (1991), so that each party concerned should know their real duties and obligations as contained in the resolution and what has been implemented thereof.

Those who say that Iraq wants to see the resolutions of the Security Council renegotiated tell no truth whatsoever.

Our request is clear. The Minister for Foreign Affairs of the Republic of Iraq stated the following in his letter of 30 May 1993:

"This request does not mean any renegotiation; but it means an objective review so that the Council may begin to consider in earnest the lifting of the economic blockade which has been imposed upon Iraq for nearly three years now."

The question of resolution 715 (1991) is integrally linked to this matter.

It is not fair to demand that Iraq give everything for nothing in return.

If the Council shows readiness to lift the economic blockade imposed upon Iraq, then Iraq will be ready to begin intensive work with the Special Commission to consider the subsequent stage which is to do with monitoring.

The Executive Chairman of the Special Commission has addressed three technical subjects in his report, through which he gave a selectively distorted and inaccurate picture of the Iraqi position, thus failing to present a true and comprehensive picture of this position. We therefore find it necessary to make clear Iraq's position in this respect:

1. The installation of monitoring cameras

The position taken by the competent Iraqi authorities on the request of the Special Commission, that remote-control

cameras be installed for the ongoing monitoring of test stands at two sites of rocket not prohibited under the resolutions of the Security Council, is based on the following:

(a) The installation of such cameras on a permanent basis is one of the measures of ongoing monitoring, and not amongst the inspection measures covered by resolution 687 (1991). None of the numerous inspection teams that have so far visited Iraq, over a period of more than two years, has asked for such cameras to be installed on a permanent basis.

(b) The installations of ongoing monitoring cameras falls outside the purview of resolution 687 (1991). It is a measure that comes rather within the framework of matters and questions that are still the subject of dialogue between the competent Iraqi authorities and the Special Commission.

(c) Iraq did not reject the principle of ongoing monitoring to which reference is made in resolution 687 (1991). Iraq has already accepted this resolution and has implemented all the fundamental obligations contained therein.

(d) Iraq neither possesses nor produces any missiles with a range of over 150 km. Inspection teams can make repeated visits to the two rocket test stands at the two sites of al-Yawm al-Adhim and al-Rafaah. We wish to stress at this point that UNSCOM 57, headed by Mr. Nikita Smidovich, is currently discharging the tasks entrusted to it by the Special Commission with the cooperation required of the competent Iraqi authorities. This team has conducted several technical discussions with the Iraqi side, and made many visits to the sites they wished to see.

2. Destruction of chemical production equipment

The equipment referred to in the report of the Executive Chairman of the Special Commission as "POC13, PC13", which are at al-Falluja site, are brand new and have never been in operation before; nor have they been used for any purpose whatsoever, prohibited or non-prohibited. These equipment can be used in the production of all sorts of prohibited and non-prohibited chemical materials. They can also be used in the production of many non-prohibited chemicals, particularly pesticides for agricultural purposes.

Iraq has requested the Special Commission not to destroy this equipment in view of its vital usefulness in the production of pesticides for agricultural purposes, which constitutes one of Iraq's crucial needs at present, in view of the continued imposition of the blockade and embargo upon this country, and because Iraq is, in all circumstances, an agricultural country and agriculture is essential to providing the most basic requirements of human life. Specialists involved in the work of the UNSCOM inspection teams are well aware that that equipment is extremely useful in the production of pesticides for agricultural purposes. The competent Iraqi authorities have proposed that an objective technical dialogue be conducted between Iraqi and UNSCOM specialists with a view to rendering that equipment harmless, in whatever technological manner deemed suitable, so that it cannot be used except for non-prohibited purposes. The competent Iraqi authorities have

also expressed readiness to come to an agreement with the Special Commission on how to ensure the guarantees that will make the Commission sufficiently satisfied that these equipment will continue, in the long run, to be used for non-prohibited purposes. Why then does the UNSCOM Executive Chairman close the door before such a technical dialogue to be held in that an agreement may be reached on the use of the equipment in question?

3. *Helicopter flights over Baghdad city*

We wish to begin by pointing out that there is an agreement still valid between the competent Iraqi authorities and the Special Commission to the effect that no flights should be conducted over populated areas anywhere in Iraq, which covers, as the UNSCOM Executive Chairman is undoubtedly aware, the capital, Baghdad, before all other areas for consideration of sovereignty and security which can involve sensitive and dangerous aspects.

When we consider this subject from a purely technical standpoint, we fail to comprehend the reasons behind the insistence that such flights continue to be conducted over the city of Baghdad. If the purpose is to ensure speedy arrival while making surprise visits to chosen sites, then the inspection team can reach by car any site within the Baghdad area from the hotel in which the team resides in much less than the time needed to drive from the hotel to the airport and then fly by helicopter from the airport to the site desired. If the objective is to do with the technical aspect of aerial photography, the Iraqi side has also expressed its readiness to arrange for photographs to be taken from high-rise buildings of other sites needed to be photographed.

These are the facts about the subjects discussed with the Special Commission, and these have been the views and proposals of the Iraqi competent authorities on them. We are extremely surprised by the attempts of the UNSCOM Executive Chairman to distort the Iraqi position, accuse Iraq of non-compliance with Security Council resolution 687 (1991) and incite the Council against Iraq, when he should be conveying to the Council the true picture about the long way Iraq has gone in implementing all the fundamental parts of section C of resolution 687 (1991).

We look forward to seeing the Security Council study the considerations of the Iraqi position which I have explained to you in this letter. These are considerations based on truth and justice. We also look forward to seeing the Council urge for a professional, legal and technical review to be conducted on what has been achieved of resolution 687 (1991), now that all the fundamental obligations of section C have been implemented, so that the Council can begin, in earnest, lifting

the economic blockade which has been imposed upon Iraq for three years now.

(Signed) Mohammed Said al-Sahaf
Minister for Foreign Affairs
of the Republic of Iraq

DOCUMENT S/25984

Letter dated 21 June 1993 from the representative of Azerbaijan to the President of the Security Council

[Original: Russian]
[22 June 1993]

I have the honour to inform you that, taking advantage of internal political tension in Azerbaijan, Armenian armed forces have sharply stepped up their military activities in Agdam and Agdere districts of the Azerbaijani Republic.

As a result of the week-long fighting and the continuous rocket artillery shelling, half of the town of Agdam has been destroyed. The surrounding villages were burnt to the ground and pillaged. Around 100 civilians were killed and the majority of the inhabitants have been evacuated. During the offensive by the Armenian armed formations, eight settlements in Agdam district were occupied (Ablad, Gyulably, Azhinli, Aliagaly, Alimaatly, Mollalan, Galaichilor and Bashinlar).

Tension also persists in the vicinity of the district centre of Agdere, where there is an ongoing build-up of Armenian forces and military equipment which have been channelled from Armenia through the occupied Kelbadjar district.

By these military actions, the Armenian side has once again shown that it has no intention of complying with Security Council resolution 822 (1993) or the schedule of urgent measures proposed by the nine countries of the Minsk Group.

In this connection I request you, Sir, in your capacity as President of the Security Council, to call upon the authorities of the Republic of Armenia to comply strictly with Council resolution 822 (1993) and to demand that the Republic of Armenia desist immediately from its military activities and hostile acts with a view to establishing a lasting cease-fire and securing the immediate withdrawal of all the occupying forces from the territory which Armenia has seized from Azerbaijan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations

DOCUMENT S/25986*

Letter dated 21 June 1993 from the representative of
Turkey to the Secretary-General

[Original: English]
[22 June 1993]

I have the honour to attach herewith the text of a press statement made by Mr. Hikmet Çetin, Minister for Foreign Affairs of the Republic of Turkey, on 18 June 1993, regarding a decision on Bosnia and Herzegovina adopted by the World Conference on Human Rights at its fifth plenary meeting, held at Vienna on 15 June 1993.

I should be grateful if you would have this letter and the statement circulated as a document of the General Assembly and of the Security Council.

(Signed) İnal BATU
Permanent Representative of Turkey
to the United Nations

TEXT OF THE STATEMENT

The World Conference on Human Rights, held at Vienna, appealed to the Security Council on 15 June 1993 to take the necessary measures to end the genocide taking place in Bosnia and Herzegovina.

That appeal, which is the first of its kind since the Second World War and the first such document adopted by consensus by the international community recognizing the commission of genocide in Bosnia and Herzegovina, is of great importance.

In this connection, the international community would be supporting genocide if it continued unjustly to deny Bosnia and Herzegovina the right to arm itself for the purpose of self-defence.

The continued inaction of the international community against genocide would no doubt deal a heavy blow to international law and legitimacy. The Security Council is obliged to take the necessary action in line with the latest appeal made by the World Conference on Human Rights. Otherwise, neither the World Conference on Human Rights, nor the United Nations and its Member States would be able to maintain credibility and moral authority, and the international community will have to shoulder the blame before history.

Now that the World Conference on Human Rights has determined the situation in Bosnia and Herzegovina to be genocide, it is time that the 1948 Convention on the Prevention and Punishment of the Crime of Genocide⁷ be implemented.

DOCUMENT S/25987

Letter dated 22 June 1993 from the representative of
Turkey to the President of the Security Council

[Original: English]
[22 June 1993]

I have the honour to attach herewith the text of a letter dated 21 June 1993 addressed to the Ministers for Foreign Affairs of the CSCE [Conference on Security and Cooperation in Europe] member States by Mr. Hikmet Çetin, Minister for Foreign Affairs of the Republic of Turkey, relating to the recent internal developments in Azerbaijan.

I should be grateful if the letters would be circulated as a document of the Security Council.

(Signed) İnal BATU
Permanent Representative of Turkey
to the United Nations

TEXT OF THE LETTER

As CSCE participating States, we have committed our countries to condemn unreservedly forces which seek to take power from a representative government of a participating State against the will of the people as expressed in free and fair elections and contrary to the justly established constitutional order.

We have also solemnly declared that we will support vigorously, in accordance with the Charter of the United Nations, in case of overthrow or attempted overthrow of a legitimately elected government of a participating State by undemocratic means, the legitimate organs of that State upholding human rights, democracy and the rule of law recognizing their common commitment to countering any attempt to curb these basic values.

The events unfolding in the Republic of Azerbaijan compels us to act in accordance with these CSCE commitments assumed by the Moscow Document 1991. A mutiny by some elements of the Azeri army seeks to overthrow the freely elected President of Azerbaijan, Mr. Ebulfeyz Elcibey. President Elcibey had to leave the capital to avoid civil war and bloodshed but he has emphasized that he remains the head of the legitimate Government of Azerbaijan and will not resign under the threat of force.

Democratic gains in Azerbaijan will be reversed if the freely elected President of the Republic is overthrown by unconstitutional means. All CSCE participating States, individually and collectively, should, in accordance with CSCE commitments, condemn the unconstitutional attempt to take power in Azerbaijan and support the legitimately elected President Elcibey.

* Circulated under the double symbol A/48/217-S/25986.

I look forward to cooperating with you on this issue.

(Signed) Hikmet ÇETİN
Minister for Foreign Affairs
of the Republic of Turkey

DOCUMENT S/25988

Letter dated 22 June 1993 from the Secretary-General to the President of the Security Council

[Original: English]
[22 June 1993]

In a presidential statement issued on 8 June 1993 [see S/25896], the Security Council strongly condemned the armed attacks against Pakistani and Malaysian contingents of UNTAC which had taken place on 7 June, took note of the Secretariat's preliminary reports on these incidents and requested me to investigate further and to report urgently to the Council.

I wish to inform the Council that, following investigation by its Strategic Investigation Teams, UNTAC has now reported as follows.

On 7 June 1993, at 0415 hours, approximately 170 armed soldiers attacked a platoon of the Pakistani contingent at Phum Tbeng, located in the west of Preah Vihear Province.

The attackers screened their movement behind a herd of cattle and moved up to within 20 to 25 metres of the Pakistani camp. They executed the attack in waves using small arms, mortars and rocket launchers.

The Pakistan battalion troops first warned the attackers not to advance and then responded by employing small arms. The attackers retreated after about two hours, leaving two corpses behind. However, in the exchange of fire, a Pakistani soldier was wounded in the leg. He was later evacuated to UNTAC Field Hospital at Phnom Penh, where amputation of the wounded leg was carried out. Another officer also sustained minor injuries and he was provided first aid on location.

UNTAC's investigation has concluded that the attack had been a deliberate action against UNTAC carried out by elements of the National Army of Democratic Kampuchea (NADK). The two corpses were identified by local villagers as well-known NADK members. Villagers also told UNTAC that, the night before the attack, a group of six NADK soldiers had come to the village to obtain information about the location of UNTAC personnel.

The Pakistani platoon has since been withdrawn from the location.

Also on 7 June, at approximately 2230 hours, a Malaysian battalion platoon, located at Phum Tapoung in Battambang Province, came under fire with small arms and B-40 rockets from all directions, including the west where houses occupied by soldiers of the Cambodian People's Armed Forces (CPAF)

are located some 150 to 250 metres away. A short time earlier a house occupied by Bangladesh Civilian Police Monitors nearby had also been attacked. The Malaysian platoon responded with small arms fire. The attack lasted about 45 minutes. Three Malaysian soldiers were wounded, one seriously. All three were subsequently evacuated.

Although there is no conclusive evidence on the identity of the attackers, UNTAC investigation has strongly indicated, based on the shell casings retrieved and the behaviour of the local CPAF and villagers, that local elements of CPAF had most probably been responsible.

The Malaysian platoon, which had been temporarily deployed to the location during the electoral period, has since been withdrawn from the area.

(Signed) Boutros BOUTROS-GHALI

DOCUMENT S/25990

Letter dated 22 June 1993 from the representative of the Libyan Arab Jamahiriya to the Secretary-General

[Original: Arabic]
[23 June 1993]

I have the honour to transmit to you herewith a letter from Mr. Omar Mustafa Almunasser, Secretary of the General People's Committee for Foreign Liaison and International Cooperation, concerning the objection by the Security Council Committee established pursuant to resolution 748 (1992) to the procurement of equipment and provision of expert services by the International Atomic Energy Agency for the establishment of a chemical laboratory at Tripoli for the analysis of the impact of agricultural pesticides on human health and animal and plant resources.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ibrahim A. OMAR
Chargé d'Affaires a.i. of the Permanent Mission
of the Libyan Arab Jamahiriya to the United Nations

TEXT OF THE LETTER

Since the adoption of Security Council resolution 748 (1992) imposing a partial embargo on Libya starting 15 April 1992, we have constantly called attention in our numerous letters to you, the last of which was my letter dated 9 February 1992, to the harm to which the Libyan Arab people has been subject as a result of that resolution.

A look at the successive decisions of the Security Council Committee established pursuant to the said resolution clearly shows that those decisions go beyond the letter and spirit of the Security Council resolution in question, the latest such decision being its failure to approve the creation, in cooperation with the International Atomic Energy Agency (IAEA), of a laboratory at the Agricultural Research Centre at

Tripoli for analysing the impact of agricultural pesticides on human health and animal and plant resources. The decision to set up this project was first taken in the Great Jamahiriya after analyses performed in a number of European laboratories demonstrated to it the failure of agricultural pesticide manufacturing companies to comply with internationally accepted specifications and the failure of suppliers of foodstuffs and fodder to comply with both local and international specifications, thus exposing the health of citizens and of animal and plant resources to considerable harm.

The Great Jamahiriya expresses its profound regret at the adoption of such a decision by the Committee at the insistence of some of its members despite the fact that IAEA informed the Committee on 17 February 1993 that the Libyan Arab Jamahiriya desired to create the laboratory and use the services of the Agency's experts, the project being funded by the Great Jamahiriya by means of credits, and that the purpose of the laboratory was to analyse various types of agricultural pesticides, to check the reliability of the information provided by manufacturers regarding the concentration of the active principle (the component which kills pests, pathogens and weeds) and its suitability for its intended uses, and to measure the level of concentration of pesticide residues in or on fruit, vegetables, grain and fodder. Moreover, IAEA presented an ample explanation of the project, the equipment and the related purposes in addition to presenting further clarifications in answer to inquiries of the Committee, including the following:

1. On 2 December 1992, the International Atomic Energy Agency approved for other countries six technical assistance projects, all of which are similar to the Libyan request in terms of purpose, which is ultimately the protection, in general, of human health and animal, plant and environmental resources, to which the United Nations and the specialized agencies devote particular attention.
 2. All the equipment required for the project is analytical equipment, none of which can be used for the manufacture of chemical weapons; IAEA has provided explanations to the Committee with technical details on that equipment.
 3. The persons who will be using the equipment are laboratory chemists who work in the pesticide analytical chemistry laboratories at the Agricultural Research Centre attached to the Ministry of Agriculture. IAEA experts submitted ample scientifically based explanations, yet the Security Council Committee established pursuant to resolution 748 (1992) totally disregarded the Agency's explanations, nor did it discuss in earnest their content or objectively examine the importance of the project to a developing country in dire need of protecting its citizens and its animal and plant resources. This leads us to draw attention once again to the following points:
- (a) The decision adopted by the Committee owing to the obstinacy of the United States of America, the United Kingdom of Great Britain and Northern Ireland and

France is a high-handed, discriminatory measure that is devoid of any logical or legal basis and must be deemed a flagrant transgression of the letter and the spirit of Security Council resolution 748 (1992);

- (b) We hold the Committee responsible for any repercussions and harm that may result from its failure to approve the said project with regard to either the health of the citizens of the Jamahiriya or animal and plant resources and we appeal to the Security Council to review the Committee's decision;
- (c) We reserve the right of the Great Jamahiriya and its people to bring this issue before the competent international organizations and agencies (the World Health Organization, the Food and Agriculture Organization of the United Nations, the World Food Council, IAEA and humanitarian organizations) and to consider the stand taken by the Security Council Committee in refusing to allow the implementation of such a project as reflecting a discriminatory attitude against a Member State to deprive it of its right to take advantage of the technical cooperation programmes of agencies as other Member States do.

The Libyan Arab Jamahiriya is a small developing country that believes in cooperation with all States based on mutual respect and the achievement of common benefits. Consequently, it cannot condone the use of political pressure and inhumane means by certain countries as a tool for achieving political goals that are far from the noble objectives of the Charter of the United Nations; yet the decision adopted by the Committee established pursuant to resolution 748 (1992) against the Jamahiriya and its people in connection with the project referred to above is but a living example of the policy of double standards in dealing with Member States.

The Libyan Arab Jamahiriya sets great store by continued cooperation with international organizations and trusts that you will use your good offices to ensure the continuation of that cooperation.

(Signed) Omar Mustafa ALMUNTASSER
*Secretary of the General People's
 Committee for Foreign Liaison and
 International Cooperation*

DOCUMENT S/25991

**Letter dated 22 June 1993 from the representative of
 Jordan to the President of the Security Council**

[Original: Arabic]
 [23 June 1993]

In my capacity as Chairman of the Arab Group for the current month of June, I have the honour to transmit herewith resolution No. 5272 of the Council of the League of Arab States, adopted at its ninety-ninth ordinary session, concerning the occupied Syrian Arab Golan.

I should be grateful if you would have this letter and the resolution circulated as an official document of the Security Council.

(Signed) Adnan S. ABU ODEH
Permanent Representative of the Hashemite Kingdom
of Jordan to the United Nations

TEXT OF THE RESOLUTION

The occupied Syrian Arab Golan

The Council of the League of Arab States,

Having taken cognizance of the note by the General Secretariat and the recommendation of the Committee on Political Affairs,

Following with concern and alarm the continuation of the Israeli occupation of the Syrian Arab Golan and Israel's persistence in its refusal to implement the resolutions of international legitimacy and its failure to submit to the will of the international community, which regards Israel's occupation and its decision to annex the Syrian Arab Golan null and void and without validity,

Having studied the situation in the occupied Syrian Arab Golan in the light of the Israeli occupation authorities' practices, which are contrary to the Charter of the United Nations, international conventions, international legitimacy and United Nations resolutions,

Having recalled its earlier resolutions and international resolutions affirming the inadmissibility of the acquisition of territory by force,

Decides:

1. To reaffirm its resolution No. 4126 of 13 February 1982 and its subsequent resolutions, the most recent being its resolution No. 5217 of 13 September 1992, rejecting all the measures taken now or in the past by the Israeli occupation authorities with the objective of altering the legal, natural and demographic status of the occupied Syrian Arab Golan; to regard the Israeli measures for imposing its rule on it as illegal and null and void and as constituting a violation of international conventions and of the Charter of the United Nations and resolutions, in particular, Security Council resolution 497 (1981), General Assembly resolution 47/63 A of 11 December 1992, which affirmed that Israel's decision of 14 December 1981 to annex the occupied Syrian Arab Golan is null and void and that the Knesset decision of 14 December 1981 on this matter is null and void and has no validity whatsoever;

2. To call upon the Security Council to assume its responsibilities and compel Israel to implement the resolutions of international legitimacy calling for full withdrawal from the occupied Syrian Arab Golan and to support the Syrian Government in its efforts to put these resolutions into effect;

3. To support the steadfastness of the Syrian Arab citizens; to back them in their defiance of the Israeli occupation and its repressive practices and in their adhesion to their land and their Syrian Arab identity; and to affirm the applicability of the fourth Geneva Convention of 1949¹ to the citizens of the occupied Syrian Arab Golan;

4. To call upon the international community, and the United States in particular, to prevail upon Israel to implement the resolutions of the United Nations and other international organizations concerning full withdrawal from the Golan and other occupied Arab territories.

19 April 1992

DOCUMENT S/25993

Further report of the Secretary-General pursuant to Security Council resolution 815 (1993)

[Original: English]
[24 June 1993]

INTRODUCTION

1. In paragraph 23 of my report of 15 May 1993 [S/25777] relating to the renewal of the mandate of the United Nations Protection Force (UNPROFOR), I expressed the view that it was not advisable for me at that time to recommend that the Security Council adopt one of the three options I had outlined in paragraph 20 of that report. I stated that, before making a recommendation to the Council about the future of UNPROFOR in Croatia, I would prefer to await a report from my Special Representative, Mr. Thorvald Stoltenberg, who was about to visit the area. The present report is now submitted, following advice received from Mr. Stoltenberg, to provide the Council with a recommendation relating to the mandate of UNPROFOR, the renewal of which would, as members of the Council are aware, apply to all the republics of the former Yugoslavia in which UNPROFOR is deployed. Ongoing activities in the former Yugoslav Republic of Macedonia and in Bosnia and Herzegovina appear to warrant an extension of the Force's mandate in those countries; the present report therefore focuses primarily on UNPROFOR's mandate in Croatia.

I. FUTURE OF UNPROFOR

2. As I stated in my report of 10 February 1993 [S/25264], a sound basis will not exist for renewing UNPROFOR's mandate in Croatia unless two factors are addressed: the failure by the parties, and in particular the Serb side, to permit implementation of the United Nations peace-keeping plan; and the failure of both parties to cooperate in establishing a political process that would offer the prospect of an early agreed settlement to the conflict between them. Although intensive efforts have been made by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and by UNPROFOR, no significant progress has occurred in either case.

3. At the same time, it is clear that the presence of UNPROFOR is indispensable to control of the conflict, which continues to simmer, and sometimes boil over, in Croatia and to the fostering of a climate in which negotiations between the parties can be promoted. The role of UNPROFOR in present circumstances is thus to prevent the resumption or escalation of conflict; to provide a breathing-space for the continued efforts of the peacemakers; and to support the provision of essential humanitarian assistance to the victims of the ongoing conflict. Without prejudice to its basic mandate of implementing the agreed peace-keeping plan, UNPROFOR's continued presence can be justified at least by these functions. The termination of its mandate would, in the judgement of the Co-Chairmen, risk the resumption of a major conflict in the region and cause severe adverse consequences for humanitarian relief operations.

4. It should also be noted that the presence of UNPROFOR in Croatia does not only fulfil a role in respect of the United Nations protected areas (UNPAs). In Sector East and in Dalmatia, the UNPROFOR presence plays an important deterrent and mediating role between Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro). In other areas of Croatia, UNPROFOR's presence provides an operational link to contiguous areas of Bosnia and Herzegovina. In addition, UNPROFOR's logistics bases at Zagreb and Split are indispensable to its ability to support its operations inside Bosnia and Herzegovina.

5. In view of the above considerations, I have, for the moment, rejected the option of withdrawing the Force from Croatia as set out in my previous report [S/25777, para. 20 (a)]. The option of enforcement action remains impracticable for the reasons set out in my earlier report [*ibid.* 20 (b)]. This leaves me with no option other than that of leaving UNPROFOR in place, with its existing mandate, and doing so in the hope that a changing international environment will facilitate and bring to fruition intensified peacemaking efforts by the Co-Chairmen, with the support of UNPROFOR.

6. I am conscious that the exercise of this option would fall short of the wish expressed by the Government of Croatia that the renewal of the mandate should take place only in conditions that equip the Force to enforce its mandate against the Serb side in accordance with a specific timetable. Since I do not consider the targets proposed by the Croatian authorities to be realizable in the short run without the active cooperation of the local Serb authorities in the UNPAs and pink zones, I have asked my Special Representative to seek the consent of the Government of Croatia to a limited further extension of UNPROFOR's mandate by three months. If this consent is not granted, I shall report the matter to the Security Council for appropriate decision.

7. In this connection, I should like to stress that UNPROFOR has been performing a difficult task with courage and determination amidst seriously deteriorating conditions, both in Croatia and in Bosnia and Herzegovina. UNPROFOR soldiers have increasingly been targeted by all sides, and severe restrictions are placed upon their freedom of movement. UNPROFOR has incurred over 500 casualties, including 46

fatalities, in the 14 months of its deployment, of which 246 and 25, respectively, have occurred in Croatia. Attacks upon humanitarian convoys have become more frequent and indiscriminate, threatening the courageous efforts of the Office of the United Nations High Commissioner for Refugees and non-governmental organizations. Should the threats to the safety and security of United Nations personnel, which have already reached unacceptable levels, mount further, I would have to inform the Council that a viable basis for their functioning no longer existed.

8. I should also like to recall that UNPROFOR's deployment embodies the will of the international community to help the parties to arrive at an overall settlement of their conflict. In turn, it is the responsibility of the parties to demonstrate by their conduct that they are seriously committed to pursuing the path of peace. Should it become apparent that this is not the case, I do not believe it would be a worthwhile use of the limited resources of the United Nations to maintain a peace-keeping operation where it had become clear that there was no peace to keep.

II. OBSERVATIONS

9. I therefore recommend that the Security Council extend the mandate of UNPROFOR by a further three months, to 30 September 1993. Significant progress will be required in the peacemaking efforts of the Co-Chairmen if any further renewal is to be contemplated beyond that date.

10. In recommending this extension, it is my duty to call once again upon Member States to honour their financial obligations to UNPROFOR. Reimbursements to troop-contributing States remain several months behind schedule, a problem that has been cited by several of them in declining invitations to participate in other United Nations peace-keeping operations or even to maintain and enlarge their contingents in UNPROFOR. I do not believe it would be responsible of me to recommend further extensions of UNPROFOR if the material resources required for its effective functioning are not forthcoming from Member States.

DOCUMENT S/25995

Letter dated 24 June 1993 from the representative of Bosnia and Herzegovina to the President of the Security Council

[Original: English]
[24 June 1993]

I have the honour to submit to you the attached statement, dated 21 June 1993, issued by the Presidency of the Republic of Bosnia and Herzegovina.

May I ask for your kind assistance in circulating this statement as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations

TEXT OF THE STATEMENT

Statement of the Members of the Presidency, of Ms. Tatjana Ljubic-Mijatovic, Mr. Mirko Pejanovic and the Parliamentary President, Mr. Miro Lazovic, following a joint decision of the Presidency to accept the invitation of Lord Owen to attend a meeting at Geneva.

The Presidency of the Republic of Bosnia and Herzegovina, on 21 and 22 June 1993, at a session at Zagreb, decided to accept the invitation given by Lord Owen for a consultative meeting at Geneva.

Our agreement to return to Geneva was under the condition that the Presidency in full confirmed the commitment of the Parliament of Bosnia and Herzegovina for the Vance-Owen plan which, through various political games both outside and inside of Bosnia and Herzegovina, there is an attempt to invalidate. Besides that, we demanded that the Presidency of the Republic of Bosnia and Herzegovina suggest to the Security Council to accept the Vance-Owen plan as their own document.

In a united decision, the Presidency in full remained united on the position that the Vance-Owen plan still remains an acceptable answer for an end to the war in Bosnia and Herzegovina and an introduction to long-term peace.

The Presidency concluded that that decision be conveyed to Lord Owen and that any decisions on possibilities of new initiatives and proposals not be given before they are brought before legitimate State and political institutions in Bosnia and Herzegovina. The Presidency also concluded that only President Izetbegovic, due to commitments, is to return to Sarajevo.

We will not accept the opinions or decisions of alleged impossibility of common life for the people of Bosnia and Herzegovina and we reject every possibility of any division of Bosnia and Herzegovina along ethnic principles.

We remain loyal to our political commitments for a united, sovereign Bosnia and Herzegovina, a State of equal people and all its citizens. Following the meeting in Geneva, we shall return for a scheduled meeting of the Presidency in Sarajevo.

(Signed) Tatjana Ljubic-Mijatovic
Mirko Pejanovic
Miro Lazovic

DOCUMENT S/25996*

Report of the Secretary-General concerning "An agenda for peace: preventive diplomacy, peacemaking and peace-keeping"

[Original: Arabic/English/Spanish]
[15 June 1993]

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I. INTRODUCTION

1. The present report is submitted pursuant to the statement made by the President of the Security Council on behalf of the Council, at its 3166th meeting, on 28 January 1993 [see S/25184 and the annex to the present report]. The President stated, *inter alia*:

"The Security Council ... invites, within the framework of Chapter VIII of the Charter of the United Nations, regional arrangements and organizations to study, on a priority basis, the following:

- ways and means to strengthen their functions to maintain international peace and security within their areas of competence, paying due regard to the characteristics of their respective regions. Taking into account the matters of which the Security Council has been seized and in accordance with the Charter of the United Nations, they might consider, in particular, preventive diplomacy including fact-finding, confidence-building, good offices and peace-building and, where appropriate, peace-keeping;
- ways and means to further improve coordination of their efforts with those of the United Nations. Being aware of the variety of mandate, scope and composition of the regional arrangements and organizations, the Council stresses that the forms of interaction of these arrangements and organizations with the United Nations should be flexible and adequate to each specific situation. These may include, in particular, exchange of information and consultations, with a view to enhancing the United Nations capability including monitoring and

* Incorporating document S/25996/Corr.1 of 7 July 1993.

** Text transmitted by the Permanent Mission of Denmark to the United Nations on behalf of the European Community and its member States.

early-warning, with the Secretary-General or, where appropriate, his Special Representative, participating as observers in the sessions and the work of the General Assembly, secondment of officials to the United Nations Secretariat, making timely and specific requests for United Nations involvement, and a readiness to provide necessary resources.

"The Security Council requests the Secretary-General:

- to transmit the present statement to those regional arrangements and organizations which have received a standing invitation to participate in the sessions and the work of the General Assembly as observers, and to other regional arrangements and organizations, with a view to promoting the aforementioned studies and encouraging the replies to the United Nations;
- to submit as soon as possible and preferably by the end of April 1993 to the Security Council a report concerning the replies from the regional arrangements and organizations."

2. In accordance with the request from the Security Council, the text of the statement was transmitted to the following intergovernmental organizations that have received a standing invitation to participate in the sessions and the work of the General Assembly as observers: African, Caribbean and Pacific Group of States, African Development Bank, Agency for Cultural and Technical Cooperation, Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean, Asian-African Legal Consultative Committee, Caribbean Community, Commonwealth Secretariat, Council of Europe, European Economic Community, International Committee of the Red Cross, International Organization for Migration, Latin American Economic System, League of Arab States, Organization of African Unity, Organization of American States and Organization of the Islamic Conference.

3. The text was also transmitted to other regional arrangements and organizations:

(a) *Africa*: Arab Bank for Economic Development in Africa, Arab Maghreb Union, Central African Customs and Economic Union, Central African States Development Bank, Council of the Entente, Customs Cooperation Council, East African Development Bank, Economic Community of Central African States, Economic Community of the Great Lakes Countries, Economic Community of West African States, Indian Ocean Commission, Mano River Union, Permanent Inter-State Committee on Drought Control in the Sahel, Southern African Development Coordination Conference, West African Development Bank, West African Economic Community;

(b) *The Americas*: Caribbean Development and Cooperation Committee, Organization of Eastern Caribbean States, Permanent Mechanism for Consultation and Concerted Activities (Rio Group) [Mecanismo Permanente de Consulta

y Concertación Política], Central American Integration System [Sistema de la Integración Centroamericana], Zone of Peace and Cooperation in the South Atlantic;

(c) *Asia and the Pacific*: Association of South-East Asian Nations, Economic Cooperation Organization, South Asian Association for Regional Cooperation, South Pacific Commission, South Pacific Forum;

(d) *Europe*: Black Sea Economic Cooperation, Commonwealth of Independent States, Conference on Security and Cooperation in Europe, Nordic Council of Ministers, North Atlantic Treaty Organization, Western European Union;

(e) *Middle East*: Cooperation Council for the Arab States of the Gulf.

4. As at 15 June 1993, replies have been received from the Asian-African Legal Consultative Committee, the European Community, the League of Arab States, the Organization of American States, the Conference on Security and Cooperation in Europe and the North Atlantic Treaty Organization. The text of the replies are reproduced below.

5. The Economic Cooperation Organization has informed the Secretary-General that the Organization "concerns itself exclusively with promotion of economic, technical and cultural linkages and the coordination of infrastructural plans that would consolidate such ties. While its activities will indirectly promote harmony, peace and stability in the region and could thus be considered as part of preventive diplomacy, it cannot otherwise contribute directly, within the framework of Chapter VIII of the Charter of the United Nations, to international peace and security."

6. The secretariats of the Caribbean Community and the South Pacific Forum have informed the Secretary-General that substantive replies would be forwarded following consultations currently under way among their members.

7. Replies received subsequently will be published as addenda to the present report.

II. REPLIES RECEIVED FROM INTERGOVERNMENTAL ORGANIZATIONS HAVING RECEIVED A STANDING INVITATION TO PARTICIPATE IN THE SESSIONS AND THE WORK OF THE GENERAL ASSEMBLY AS OBSERVERS

A. Asian-African Legal Consultative Committee

[Original: English]
[14 April 1993]

1. The statement of 31 January 1992 [see S/23500], adopted at the conclusion of the first meeting held by the Security Council at the level of heads of State and Government was a historical achievement which marked the beginning of a new era of peace and cooperation among the nations of the world. The trust it reposed in the United Nations and its system augurs well for strengthening the United Nations to face new

challenges. The report prepared by the Secretary-General of the United Nations entitled "An Agenda for peace: preventive diplomacy, peacemaking and peace-keeping" is a matching response to fulfil the mandate given to him by the aforesaid meeting of the Security Council.

2. The well-documented and thought-provoking report is a bridge which links the past and future of the United Nations. It addresses crucial issues concerning peace and security in a bold and business-like manner. While identifying the reasons which crippled the United Nations in the past to engage in such activities, it urges the Member Governments to take certain measures and recognize a pivotal role for the United Nations in the future.

3. The premise on which the Secretary-General's report is based is that the Charter of the United Nations is a sound and elastic document which can be stretched safely to carve a role for the United Nations in the emerging situations.

4. The principle of sovereignty of State, which forms the bedrock of the United Nations, is reaffirmed throughout in the recommendations made in the study. In addition, while emphasizing the principle of impartiality, it observes that "the principles of Charter must be applied consistently, not selectively". While advocating enhancing the role of the Security Council, no attempt has been made to undermine the role of the General Assembly.

5. The report, in addition to defining and elaborating the traditional concepts of preventive diplomacy, peacemaking and peace-keeping, integrates another related concept of post-conflict peace-building. In all these operations, it recognizes the potential role and increasing cooperation with regional arrangements and organizations.

6. The encouraging response and the wide welcome the report received during the forty-seventh session of the General Assembly testify to the soundness of its recommendations. The establishment of a Working Group by the General Assembly to consider these recommendations and the initiative of the Security Council to seek information from the regional arrangements and organizations in this regard would ensure wider participation and in-depth consideration of the issues.

7. As for the Asian-African Legal Consultative Committee (AALCC), it is an intergovernmental organization comprising 43 member Governments from the Asian and African regions. Since its establishment in 1956, besides providing advisory services on international law matters to its member Governments, it has made a significant contribution to the promotion and development of international law at both the regional and the international levels. It enjoys permanent observer status in the United Nations and works closely with several of its agencies engaged in the field of the codification and development of international law.

8. Unlike some other regional arrangements and organizations, AALCC has not been involved with such activities as preventive diplomacy, peace-keeping, peacemaking and peace-building, it has however taken

initiatives to promote a wider role of the International Court of Justice in the context of the peaceful settlement of disputes. In the context of refugee problems, it is engaged in promoting the concept of "safety zones", which might provide a practical solution in certain regions and thus avoid the social tension and the potential cause for conflicts. The establishment of such zones within the territory under conflict would be, to the extent possible, with the consent of the State concerned. The Security Council would have the mandate to establish such zones, whose security would be maintained by a United Nations peace-keeping force or a competent regional organization under the auspices of the United Nations. The involvement of competent United Nations agencies such as the Office of the United Nations High Commissioner for Refugees, the Food and Agriculture Organization of the United Nations, the United Nations Children's Fund, etc., in the maintenance of such safety zones would also be desirable.

9. AALCC will be honoured to be associated with the United Nations in the new programme areas in such fields. It can identify and arrange the services of legal experts from the Asian and African regions to undertake fact-finding missions and other functions related to the peaceful settlement of disputes. It can also provide services and expertise in the field of peace-building such as holding of elections, drafting of national legislations and international agreements and assisting in the administration of justice and human rights measures.

10. It may be pertinent to mention here that, at its thirty-second session, held at Kampala from 1 to 6 February 1993, AALCC welcomed the initiative taken by the Secretary-General of the United Nations. Further, in order to promote in-depth consideration of the recommendations made in the report of the Secretary-General on "An agenda for peace", an open-ended Working Group, with a core membership of China, Egypt, Ghana, India, Indonesia, Japan, Nigeria, Qatar, Saudi Arabia, Uganda and the United Republic of Tanzania has been constituted. The Working Group would also assist the AALCC secretariat in the preparation of a study which will be submitted to the United Nations on the occasion of its fiftieth anniversary.

B. European Community

*[Original: English]
[20 April 1993]*

1. In the agreed presidential statement of 28 January 1993 [see S/25184] concerning "An agenda for peace", the Security Council invited, within the framework of Chapter VIII of the Charter of the United Nations, regional arrangements and organizations to study, on a priority basis, the following:

(a) Ways and means to strengthen their functions to maintain international peace and security within their areas of competence, paying due regard to the characteristics of their respective regions. Taking into account the matters of which the Security Council has been seized and in accordance with the United Nations Charter, they might consider, in particular, preventive diplomacy including fact-finding,

confidence-building, good offices and peace-building and, where appropriate, peace-keeping;

(b) Ways and means to improve further coordination of their efforts with those of the United Nations being aware of the variety of mandate, scope and composition of the regional arrangements and organizations, the Council stresses that the forms of interaction of these arrangements and organizations with the United Nations should be flexible and adequate to each specific situation. These may include, in particular, exchange of information and consultations, with a view to enhancing the United Nations capability including monitoring and early-warning, with the Secretary-General or, where appropriate, his Special Representative, participating as observers in the sessions and the work of the General Assembly, secondment of officials to the Secretariat, making timely and specific requests for United Nations involvement and a readiness to provide necessary resources.

2. On behalf of the European Community and its member States, Denmark, in its capacity as President, wishes to make the following contribution.

3. As is evident in many areas of the world where actual or potential conflicts prevail, regional arrangements and organizations can render invaluable assistance to and effectively cooperate with the United Nations in the field of the maintenance of international peace and security, including peaceful settlement of disputes.

4. The European Community and its member States welcome the trend towards greater involvement of relevant regional arrangements and organizations in the maintenance of international peace and security and look forward to its continuation.

5. The European Community and its member States recognize the need to coordinate the efforts of regional arrangements and organizations with those of the United Nations. The purpose of such coordination must be to ensure the most effective response to a potential or actual threat to international peace and security. Thus, coordination is not a goal in itself, but only through coordination can the optimum use be made of the respective comparative advantages of the regional arrangements and organizations and of the United Nations, respectively.

6. As pointed out by the Secretary-General in his report concerning "An agenda for peace", no two regions or situations are the same. Therefore, a rigid formula for cooperation between the United Nations and regional arrangements and organizations seems to be neither necessary nor desirable. In the opinion of the European Community and its member States an appropriate amount of flexibility is called for to allow for adapting to the particular needs of each specific situation.

7. As examples of such flexible forms of interaction, the European Community and its member States refer to the presidential statement of the Security Council as quoted above, mentioning, *inter alia*, exchange of information and

consultations with the Secretary-General or, where appropriate, his Special Representative, participating as observers in the sessions and the work of the General Assembly, secondment of officials to the Secretariat, making timely and specific requests for United Nations involvement, and a readiness to provide necessary resources.

8. The European Community and its member States wish to refer to the following examples of existing cooperation with regard to the maintenance of international peace and security between the United Nations and the European Community and its member States:

(a) From an early stage of the conflict in the territory of the former Yugoslavia, there was close cooperation between the Special Representative of the Secretary-General and the mediator appointed by the Ministers for Foreign Affairs of the States members of the European Community. This cooperation has continued at the political level as well as in the field;

Whereas in the United Nations framework a peace-keeping operation (the United Nations Protection Force) was established, the European Community and its member States - following a decision by the Conference on Security and Cooperation in Europe (CSCE) and under a memorandum of understanding with the parties - deployed at an early stage a monitoring mission: the European Community Monitoring Mission (ECMM);

Initially, the mandate of the ECMM was to help to stabilize the agreed cease-fires by monitoring and reporting on their implementation. However, more tasks have afterwards been assumed, including mediation and confidence-building. At present 16 European countries and Canada take part in ECMM, and a total of approximately 350 observers;

At the political level, the European Community and its member States, in cooperation with CSCE, exerted great efforts to restore peace and dialogue through, *inter alia*, the convening of a conference on Yugoslavia in 1991. The Security Council was kept closely informed on the activities and commended the efforts in various resolutions;

At a later stage, the London Conference on the Former Yugoslavia, co-chaired by the Secretary-General and the President of the European Council, in August 1992 set up the Steering Committee of the International Conference on the Former Yugoslavia at Geneva under the co-chairmanship of the Special Representative of the Secretary-General and the mediator of the European Community, who to this day relentlessly continue their joint efforts to bring about a peaceful solution to the conflict;

As a further complement to United Nations actions regarding the former Yugoslavia, sanction assistance missions have been deployed at the initiative of CSCE and the Community and its member States in order to assist States in implementing the sanctions imposed by the Security Council;

(b) The Community and its member States not only cooperate with the United Nations in their own region.

Another example of cooperation between the United Nations and international organizations is found in South Africa, where observers deployed by the Community and its member States work together with the United Nations Observer Mission in South Africa and observers from the Organization of African Unity and the Commonwealth. In his latest report to the Security Council on the question of South Africa [S/25004] the Secretary-General observes, *inter alia*, that the international observers have had a salutary effect on the political situation in general;

(c) An example of cooperation between the United Nations and the Community and its member States which has proven to be of great importance in recent conflicts is the provision of humanitarian assistance. In this connection reference can be made to the statement of 26 February 1993 [see S/25344] by the President of the Security Council, on behalf of the Council, in which the Council notes, *inter alia*, that in some particular circumstances there may be a close relationship between acute needs for humanitarian assistance and threats to international peace and security.

9. Strongly believing that prompt delivery of necessary humanitarian assistance can be extremely effective in defusing tension, the European Community and its member States attach the highest importance to contributing to the relief programmes of, *inter alia*, the United Nations and take pride in being among the largest donors of humanitarian assistance.

C. League of Arab States

[Original: Arabic]
[5 May 1993]

1. The Secretary-General of the League of Arab States (LAS) presents his compliments to the Secretary-General of the United Nations, and, with reference to his note verbale of 8 March 1993 on the statement by the President of the Security Council of 28 January 1993 regarding the item entitled "An agenda for peace", has the honour to inform him that the Council of LAS discussed that important topic at its ninety-ninth session on 18 April 1993 and decided to request its member States to inform the General Secretariat of their views in order to adopt a unified Arab position to be communicated to the United Nations at the appropriate time. It may be noted that the position of LAS will take into consideration the objectives contained in the Security Council statement issued on 28 January 1993 as well as the principles to which the Secretary-General referred in his report. That position must also be based on the principles contained in the charter of LAS, which are complementary to those of the United Nations, in particular those which affirm the right of every State to sovereignty and freedom, as well as their right to growth and development and the need to observe United Nations resolutions, as was stressed in the document on cooperation between LAS and the United Nations that was drawn up at the first meeting on cooperation in 1983, held at the level of the Secretaries-General and the heads of specialized agencies of LAS and the United Nations.

2. The General Secretariat of LAS reaffirms its desire to pursue consultations on those important principles in order to strengthen the role of the United Nations on the one hand, and to develop relations between it and the regional organizations on the other hand.

3. The General Secretariat hopes there will be an opportunity to discuss the ideas put forward at the bilateral meetings on cooperation.

4. The General Secretariat also proposes the holding of a meeting between the Secretary-General of the United Nations and all the heads of regional organizations "which [...] participate in the sessions and the work of the General Assembly as observers" with the aim of achieving greater cooperation and integration. The Secretary-General of the United Nations may wish that to be done at the forthcoming session of the General Assembly.

D. Organization of American States

[Original: English/Spanish]
[14 April 1993]

1. Last 8 March the Organization of American States (OAS) had the opportunity to submit to the Special Committee on the Charter of the United Nations and on the Strengthening of the Organization some initial ideas on the subject of improving cooperation between the world and regional organizations. OAS stated then that it would transmit a document to give a broader view of the thoughts it had offered on that matter.

2. The considerations that follow are intended as a contribution to the framing of guidelines for broader and deeper collaboration between the United Nations and the Organization of American States (OAS). They are presented in three sections, the first of which defines and characterizes OAS; the second examines possibilities for linkage and interaction between the regional and the world organization; and the third states some conclusions.

I

3. When the United Nations system was established in 1945 the inter-American system already had a long history behind it. It was this experience of regional association that inspired the American States to work for the inclusion in the Charter of the United Nations of a special chapter - Chapter VIII - recognizing the existence and role of regional agencies.

4. The wisdom of recognizing the validity of regional organizations has been demonstrated by experience since the establishment of the United Nations, when on many occasions action by the world Organization has been hindered by a veto on the Security Council. In OAS, the principle of juridical equality of the States governs the participation of the member States, which act as equal among themselves. On many occasions the Organization has been able to identify and apply solutions to differences that have threatened the peace and

security of the hemisphere, and it has been able to promote cooperation.

5. OAS, whose Charter was signed at Bogota in 1948, is the central political organization of the inter-American system, which also includes autonomous specialized organizations and entities that the member States have established to accomplish specific purposes in technical matters of common interest. These agencies and entities round out the institutional framework of inter-American relations. The regional organization coexists with others whose geographical scope is intermediate between nations and the region, and with the world Organization, the United Nations.

6. Several agencies, agreements and groupings have sprung up in Latin America and the Caribbean, some for regional integration and others in the political sphere, which maintain close ties to the inter-American system. Like the regional organization, they were engendered by a concert of the sovereign wills of the States that decided to establish them. The existence of these agencies does not make them competitors with OAS nor weakens its powers or its actions. Their goals are consistent with the principles and purposes set forth in the OAS charter, but their spheres of action and influence are different: they are not - as OAS is - general organizations, and their principal purpose is usually to concert the positions of their member States on specific matters.

7. Thus there are several different levels that meet real needs, within which the States organize themselves for the accomplishment of common purposes. The original primacy of national action has given way in the course of history to the perception of an infinitude of relations of solidarity, difficulties and affinities that find expression in spheres larger than the national: groups of nations associated at an intermediate level, regions grouped in their own organizations, and, finally, the world-wide Organization.

8. Regional organizations are based on the principle of proximity. Affinity, which gives rise to a culture of participation, shared historical experience, closeness and thorough knowledge of the particular circumstances of each region, enable the regional organizations to participate with a better prospect of success in the solution of regional problems.

9. OAS is a general regional organization. Its purposes are to strengthen the peace and security of the hemisphere, to promote and consolidate representative democracy with due respect for the principle of non-intervention and to promote, by cooperative action, the integral development of the member States. All the sovereign States of the Americas are members of the Organization. In turn, member States belong to world-wide general organizations such as the United Nations, and to specialized global organizations.

10. Membership at both levels implies no detriment to either. To the contrary, the contributions that the members of OAS have made to strengthening it also strengthen the United Nations. Witness the contribution of the member States through OAS to the conception, development, adoption and application of principles and rules that are today accepted as

shared values of the international community: the principle of non-intervention, mandatory recourse to peaceful procedures for the settlement of disputes, the adoption of arrangements for collective security, and the defence of human rights.

11. Along with ideals and objectives that are shared with the rest of the international community, the States of the region have forged values of their own that are part of the purposes and principles of OAS and have engendered the instruments and mechanisms that characterize it. They arise out of the ties that bind the nations in the hemisphere, their common history, and their long tradition of very close relations which, though occasionally conflictive, are ultimately governed by convergent interests.

12. OAS has been adapting itself to circumstances that have transformed the world and the hemisphere and has taken innovative positions. New principles of international law have been developed, adopted and applied that are not yet universally recognized and which accentuate the organization's distinctive identity, among them particularly the principle of democratic solidarity and support for and the defence of representative democracy as the form of political organization that is an essential condition for the stability, peace and development of the region.

13. Juridical equality of States, a fundamental tenet of the organization, has made it possible for OAS to make its contribution to the world legal system. The participation of all States of the hemisphere to promote their common interests has given the organization the possibility to act flexibly: it uses mechanisms and procedures rooted in agreement among the member States.

14. The States members of OAS have been outstanding participants in the creation and operation of the world organizations, and especially of the United Nations. The Charter of OAS and the other basic OAS documents explicitly link the organization with the relevant organizations in the United Nations system without impairing the framework of its own competence.

15. Thus, the preamble of the OAS Charter reaffirms the principles and purposes of the United Nations, and article 1 defines OAS as a regional agency. Article 2 proclaims the purposes of OAS in order to put into practice the principles on which it is founded and to fulfil its regional obligations under the Charter of the United Nations. Article 136 states that "none of the provisions of this Charter shall be construed as impairing the rights and obligations of the member States under the Charter of the United Nations". The American Treaty on Pacific Settlement (Pact of Bogota) and the Inter-American Treaty of Reciprocal Assistance define the conditions under which the parties to a dispute must resort to the International Court of Justice and a problem of hemispheric security is to be brought before the Security Council of the United Nations, respectively.

16. OAS and the United Nations are responses to different political motivations of their charter States. The world Organization exists above all to avert war, to monitor and keep

international peace. OAS, on the other hand, was established to strengthen hemispheric solidarity. The regional organization embodies principles that are shared by the nations in the region. As it says in the preamble to its Charter, it seeks "the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man".

17. The values that prompted the founding and operation of OAS have universal validity and force. Strengthening it as a regional entity makes the world organization stronger. Its sphere of action does not encroach on that of the United Nations. The ties that bind OAS to the United Nations are not based on hierarchical relations between the two organizations.

II

18. The OAS charter provides for cooperation between the regional and the world organization. Article 53 of the charter states that one of the principal powers of the General Assembly is "to strengthen and coordinate cooperation with the United Nations and its specialized agencies". Under article 117, one of the functions of the General Secretariat is to "establish relations of cooperation, in accordance with decisions reached by the General Assembly or the Councils, with the specialized organizations [of the inter-American system] as well as other national and international organizations".

19. The legitimacy of OAS and its activities derives from the legal framework enacted in its charter and in the resolutions and declarations of its General Assembly. Cooperation between OAS and the United Nations must be defined and take place in the setting of that legal framework.

20. Cooperating implies by definition working with others for a common purpose. OAS could not be a mere executor of decisions issuing from the United Nations or any of its organs. Any attempt to establish collaboration on the basis of prescriptions by one organization to the other would vitiate the concept of cooperation.

21. The potential conflict between the desired collaboration and the instruments suggested for establishing it would be even greater if the United Nations ever came to define the fields of action and/or the procedures or instruments of the regional organizations. Such normative definitions would generate greater controversy if it were attempted to apply them to existing organizations with their own structure, legal basis and modes of operation.

22. States are free to establish regional organizations. But they do not have the obligation to establish them and cannot be required to do so. When they form their own organizations they are entitled to determine their areas of competence and their purposes, frame their principles, delimit their spheres of action, and adopt their governing provisions, instruments and operating mechanisms as they see fit. The only limitation on their sovereign decisions in this respect is imposed by the necessity for the regional agencies and their activities to be conformable to the purposes and principles of the Charter of the United Nations. It is the regional organization's member

States themselves, acting within the sphere in which they establish it, that can change it by procedures established in advance for such purpose.

23. The best way to update instruments and mechanisms in response to the changing international reality is to modernize their charters by known and accepted procedures. The technique of creative interpretation of provisions is neither effective nor advisable. It seems a risky procedure that could give rise to uncertainty and lead to unwanted situations.

24. Any decision taken to impose on a regional organization the adoption of coercive measures not authorized in its own basic instruments could bring into crisis the operation and the very existence of that organization.

25. Article I of the OAS charter states that the organization has no powers other than those expressly conferred upon it by that Charter. There is no provision in the charter to authorize the organization to use force in any situation but the exceptional one of external aggression. Apart from that exception, therefore, the use of force has no legitimacy in the legal framework that governs the relations among the American States. OAS has never entered into any agreement, whether or not initiated by another organization, that involves recourse to military procedures.

26. This proscription of the use of force within OAS is not at odds with its purpose of strengthening peace and security in the hemisphere. The peaceful procedures adopted for that purpose are ways that the region has chosen for itself which do not affect the stringent restrictions on the legitimate use of force in the international system. The American States have adopted the strengthening of representative democracy as their system of government and the integral development of peoples as fitting ways to secure peace and consolidate friendly relations among the States in the hemisphere.

27. In permitting the legitimate use of force to maintain peace and international security, the international community has given the United Nations functions and means that are effectively controlled only at that level, and it has also established legitimate defence as the exception to the prohibition of the threat or use of force. It would be perilous to encourage tendencies favourable to the use of force - always an exceptional recourse - on any grounds.

28. The diversity and complexity of the current issues of international relations, the pressure that the United Nations and regional organizations are under from many conflicts and problems, and the contributions made by the regional organizations, within their own spheres of action, to peace and security in the world system, all have to be taken into account. They attest to the advisability of avoiding means of interaction between the United Nations and regional organizations that tend to give the world organization functions of supervision and direction over the regional organizations. Such practices would generate greater demands on the limited resources of the United Nations and weaken the contribution of the regional organizations. The effect would be just the reverse of the purpose of strengthening cooperation between them.

III

29. Cooperation between OAS and the United Nations cannot be based on principles of hierarchy, for neither is dependent on or subordinate to the other. Nor must it be established on the basis of specialization, as both organizations are general in nature. To the contrary, it must recognize as its basis the community of purposes and principles between the two and the diversity of their competence.
30. Cooperation implies reciprocity. No unilateral action or initiative can be referred to as cooperation. Collaboration between OAS and the United Nations is a relationship of mutual support and benefit between organizations that operate independently in two different spheres of competence. It is the diversity of their competence that makes that cooperation possible.
31. Collaboration implies agreement on aims pursued and the means for attaining them. Those goals and instruments of cooperation between regional organizations and the United Nations must be identified in conformity with the provisions of their respective charters.
32. The reason for cooperation, within the sphere of competence of each organization, must be that the particular capabilities of each cooperating organization shall complement those of the others and the resulting joint or coordinated action shall bring greater benefits to the member States than could have been obtained from each of the organizations acting alone.
33. For cooperation to be effective, each organization must respect the sphere of action of the others so that none will interfere with the competence of any other. Cooperation must not be sought on a basis of rivalry between institutions but as a stimulus to the pooling of efforts to facilitate the accomplishment of a shared purpose.
34. Respect for the option of the States to decide, in accordance with the applicable rules of international law, where they will bring the matters they would present for consideration by the international organizations is also required. It is the member States themselves, either directly or through provisions they write into the charters and rules of procedure of those organizations, which give legitimacy to collaboration between them.
35. When organizations with their own identities and autonomy have established their will to cooperate, the specific terms for that collaboration must be spelled out in agreements between them to define its purposes, forms and limits. These agreements, entered into in accordance with the applicable provisions of each organization, are efficient, concrete instruments of cooperation.
36. The basic premise for strengthening cooperation between regional organizations and the world organization is clear recognition of the autonomy and particular spheres of competence of the former and of their potential for contributing to accomplishment of the purposes of the latter.

The present international system makes no provision for a central direction removed from the circumstances of each region. An effort must be made to channel the creative and innovative capabilities of the international organizations, with full respect for their respective spheres of competence, with a view to cooperation based on complementary contributions from the different organizations that do not conflict with their essential functions.

III. REPLIES RECEIVED FROM OTHER REGIONAL ARRANGEMENTS AND ORGANIZATIONS

A. *Conference on Security and Cooperation in Europe*

[Original: English]
[11 June 1993]

1. With a view to the new challenges in the Conference on Security and Cooperation in Europe (CSCE) area, CSCE is studying, on a priority basis, ways and means to strengthen its functions to maintain international peace and security within its area of competence.
2. At the Helsinki summit in July 1992, CSCE declared its understanding that CSCE is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations. It provides an important link between European and global security.
3. Taking into account the matters of which the Security Council has been seized and in accordance with the Charter of the United Nations, the Stockholm Council meeting of CSCE in December 1992 reviewed experience with the instruments for early warning, conflict prevention and crisis management, in particular in the field of preventive diplomacy (including fact-finding and rapporteur missions) and, where appropriate, peace-keeping. It was noted that, in association with efforts to bring about political solutions, stability can be enhanced by armed contingents for peace-keeping purposes. The deployment and conduct of such operations must be in accordance with the norms of international law and CSCE principles.
4. The Helsinki summit adopted provisions concerning CSCE peace-keeping. The Stockholm Council meeting concluded that CSCE can play an especially important role in cooperation with mutually reinforcing European and trans-Atlantic organizations by further developing relevant CSCE instruments in the field of preventive diplomacy and peace-keeping. It was further requested, within the framework of CSCE, that seminars be organized to help to share experience and increase knowledge of issues and techniques in the fields of early warning and peace-keeping. Furthermore, it was requested that the issues involved in enhancing the capability of all the CSCE preventive diplomacy and peace-keeping instruments be examined by the Committee of Senior Officials. These provisions should be seen as a most significant development of the tasks and the competences of CSCE in crisis situations within the CSCE area. Various types of CSCE missions have been initiated, at present the number is seven, in the areas of former Yugoslavia and the former

Soviet Union, with a view to conflict prevention and conflict resolution. The mandates vary considerably from focusing on early warning to real crisis management. Practical experience from these endeavours has thus been added to the discussion of the CSCE role and capacity in the area of preventive diplomacy and peace-keeping. At present there is also contingency planning going on for a medium-sized monitoring mission and peace-keeping activity relating to the conflict in and around Nagorno Karabakh.

5. Provisions concerning CSCE peace-keeping stipulate that CSCE peace-keeping activities may be undertaken in cases of conflict within or among participating States to help to maintain peace and stability in support of an ongoing effort at a political solution. While cooperation with appropriate European and trans-Atlantic institutions and mechanisms is envisaged, CSCE peace-keeping activities can be undertaken only when certain minimum requirements have been fulfilled, e.g. an effective and durable cease-fire. However, it should be noted, that the CSCE commitments are basically of a political nature and CSCE is not based on a legal document such as the Charter of the United Nations, nor can it, in contrast to the Security Council, issue rulings which are legally binding on the participating States.

6. The human dimension mechanisms of CSCE are being used increasingly as a major foundation for CSCE's efforts at early warning and long-term conflict prevention. Their further elaboration and utilization will strengthen considerably CSCE's ability to pursue the root causes of tensions and to refine its mechanisms for early warning and potentially dangerous situations. Steps have been taken to integrate the human dimension more fully into the political consultations and concerted action of the participating States. Ways of using the 1993 Implementation Meeting on Human Dimension Issues to investigate possible new means of utilizing human rights mechanisms for these purposes and to improve the monitoring of compliance with the CSCE commitments are being considered.

7. The Prague Council meeting in January 1992 decided to initiate more active cooperation between the CSCE and the major European and trans-Atlantic organizations. The aim was to avoid duplication, to make full use of available resources and expertise and to encourage these organizations to reinforce each other. This concept was further developed at the Helsinki Summit. It was decided not only that CSCE and these organizations should keep each other better informed about their respective activities, but also that international organizations with a specialized competence should make their expertise available to CSCE and be invited to meetings and consultations of various kinds within the framework of the CSCE process.

8. At the Stockholm Council meeting it was decided that the relationship between the United Nations and CSCE should be developed further. It was requested, within the framework of CSCE, that the practical implications of the understanding, expressed in the Helsinki Document, that CSCE is a regional arrangement in the sense of Chapter VIII of the Charter of the United Nations should be examined.

9. With a view to the necessity to keep forms of interaction of CSCE with the United Nations flexible and adequate to each specific situation, the Chairman-in-Office of the Committee of Senior Officials was tasked to keep close contacts with the United Nations to promote regular exchange of information, cooperation and coordination, to avoid duplication of efforts. The Chairman-in-Office of the Committee of Senior Officials was also tasked to establish regular contacts with representatives of the Secretary-General of the United Nations to ensure that the United Nations and CSCE participating States are kept informed of relevant activity, especially in the fields of early warning, conflict prevention, management and resolution of conflicts as well as the promotion of democratic values and human rights.

10. The spirit of these decisions has been reflected in an exchange of letters between the Secretary-General of the United Nations and the Chairman of the CSCE Council in May this year, on an agreement on a framework for cooperation and coordination between the United Nations and CSCE.

11. The proposal by the Secretary-General of the United Nations to CSCE to seek observer status at the United Nations is also being examined by CSCE. At the Stockholm Council meeting it was also decided that a representative of the United Nations Secretary-General will be invited to the meetings of the Council and of the Committee of Senior Officials of CSCE.

B. North Atlantic Treaty Organization

*[Original: English]
[12 May 1993]*

1. As a collective defence organization playing a key role in the security of its region, the North Atlantic Treaty Organization (NATO) is pleased to contribute to this debate. The alliance attaches great importance to cooperation with the United Nations in the fostering of international peace and security. I hope the following will contribute to clarify NATO positions on a range of important issues of common interest and provide a useful follow-up to our very constructive conversation at Brussels last month.

2. The members of the alliance are committed, under the Washington Treaty, to unite their efforts for collective defence and for the preservation of peace and security. In the new Strategic Concept adopted at the NATO Summit at Rome in November 1991, allied heads of State and Government indicated that, in the new political and strategic environment in Europe, the success of the Alliance's policy of preserving peace and preventing war depends even more than in the past on the effectiveness of preventive diplomacy and successful management of crises affecting the security of its members.

3. In June 1992, the Allies stated their preparedness to support, on a case-by-case basis, peace-keeping activities under the responsibility of the Conference on Security and Cooperation in Europe (CSCE), including by making available resources and expertise. Last December, Allied Ministers stated their readiness to respond positively to initiatives that the Secretary-General of the United Nations might take to seek

Alliance assistance in the implementation of United Nations Security Council resolutions. In this respect, I was asked to maintain the necessary contacts with the Secretary-General of the United Nations regarding the assistance that the Alliance could provide.

4. I outline below the initiatives under consideration, under way, or already undertaken by the Alliance related to preventive diplomacy, peace-keeping and cooperation between the United Nations and NATO.

5. In the area of preventive diplomacy, we have initiated cooperation in verification and implementation of arms control and disarmament measures in Europe, as well as cooperation and political consultation with cooperation partners within the framework of the North Atlantic Cooperation Council (NACC). Moreover, we actively support CSCE confidence- and security-building measures, including those related to unusual military activities and risk reduction. In this way, the Alliance is able to make a concrete contribution to United Nations and CSCE efforts in the area of preventive diplomacy and conflict prevention.

6. With regard to peace-keeping, NATO is examining the modalities whereby it can support peace-keeping operations and is at the same time developing the training and educational programmes for such activities. In addition, the Alliance has initiated cooperative activities in preparation for peace-keeping within the framework of NACC. We are also examining the possibility of offering to the United Nations the use of NATO communication facilities on a case-by-case basis.

7. With specific reference to former Yugoslavia, the Alliance has supported in a number of ministerial statements United Nations/European Community and CSCE efforts to resolve the conflict in former Yugoslavia. NATO has also taken a number of initiatives in support of the implementation of Security Council resolutions concerning the conflict in former Yugoslavia, such as the monitoring and enforcement of the maritime embargoes on former Yugoslavia and of the no-fly zone over Bosnia and Herzegovina (Security Council resolutions 713 (1991), 757 (1992), 781 (1992), 787 (1992), 816 (1993) and 820 (1993). In addition, the Allies have made available to the United Nations the personnel and equipment to establish a command and control element for the United Nations Protection Force (UNPROFOR) headquarters in Bosnia and Herzegovina.

8. Moreover, the Alliance has developed contingency planning for former Yugoslavia concerning: prevention of spillover of the conflict; protection of personnel on the ground; monitoring of heavy weapons; as well as the establishment of secure areas. We are presently undertaking contingency planning for the implementation of the United Nations peace plan, including the proposed establishment, at an appropriate time, of an Ad Hoc Planning Coordination Group, comprised of representatives of force-contributing countries and relevant international organizations.

9. As far as present contacts between the United Nations and the Alliance are concerned, we have held consultations

whenever we have been approached by the United Nations. Present contacts comprise visits and missions at different levels as well as communication between the two Secretaries-General. These contacts could, as appropriate, cover different areas of common interest, such as political issues, legal matters and operational issues. Contacts and coordination between Allied and UNPROFOR headquarters and the United Nations Headquarters in New York for ongoing United Nations operations in former Yugoslavia have been established.

10. As possible ways and means to enhance coordination further, we are considering, *inter alia*, the following measures on contacts and communication: improved contacts, where necessary and appropriate, between myself, my staff and NATO Military Authorities (with the requisite political guidance) with their respective United Nations interlocutors, including exchanges of visits; improved technical means of communication between United Nations and NATO headquarters; and exchanges of relevant information between NATO staffs and the United Nations Secretariat.

ANNEX

Statement made by the President of the Security Council at its 3166th meeting, on 28 January 1993

[For the statement, see Resolutions and Decisions of the Security Council, 1993.]

DOCUMENT S/25997

Afghanistan, Albania, Algeria, Cape Verde, Comoros, Djibouti, Egypt, Estonia, Indonesia, Iran (Islamic Republic of), Jordan, Latvia, Libyan Arab Jamahiriya, Malaysia, Morocco, Pakistan, Senegal, Syrian Arab Republic, Turkey, Tunisia, United Arab Emirates and Venezuela: draft resolution

[Original: English]
[29 June 1993]

The Security Council,

Recalling all its previous resolutions on the conflict in the Republic of Bosnia and Herzegovina,

Recognizing that the Republic of Bosnia and Herzegovina is a sovereign, independent State and a Member of the United Nations,

Reaffirming that the Republic of Bosnia and Herzegovina, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,

Noting that the Republic of Bosnia and Herzegovina has continued to be subjected to armed hostilities in contravention of Security Council resolution 713 (1991) and other relevant Security Council resolutions and that, despite all efforts by the United Nations as well as regional organizations and arrangements, the Bosnian Serb party continues to refuse to

comply with all relevant resolutions in flagrant contempt of the Security Council,

Commending the Government of the Republic of Bosnia and Herzegovina for its constructive and responsible policies as manifested in its acceptance of all the documents negotiated in the peace process,

Affirming that the international community has the responsibility to secure fully the independence, territorial integrity and unity of the Republic of Bosnia and Herzegovina, as well as to prevent acts of genocide and of crimes against humanity,

Reaffirming once again its total and complete rejection of the acquisition of territory through the use of force and the practice of "ethnic cleansing",

Stressing that a solution to the conflict in Bosnia and Herzegovina must be based on the following principles:

(a) Immediate cessation of hostilities;

(b) Withdrawal from the territories occupied by force and ethnic cleansing;

(c) Reversal of the consequences of the reprehensible policy of ethnic cleansing and recognition of the right of all Bosnian refugees to return to their homes;

(d) Restoration of the territorial integrity and unity of the Republic of Bosnia and Herzegovina;

Taking note of the fact that the International Court of Justice in its Order of 8 April 1993 in the case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Yugoslavia (Serbia and Montenegro))⁶ unanimously indicated as a provisional measure that the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) should immediately, in pursuance of its undertaking in the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, take all measures within its power to prevent the commission of the crime of genocide,

Recalling also the call made to it by the World Conference on Human Rights to take the necessary measures to end the genocide taking place in Bosnia and Herzegovina, in particular in Gorazde,

Mindful of its duties and responsibilities under the Charter of the United Nations for the maintenance and preservation of international peace and security,

Determining that the grave situation in the Republic of Bosnia and Herzegovina continues to be a threat to international peace and security,

Acting under Chapter VII of the Charter,

1. *Reaffirms* the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina;

2. *Demands* that all hostilities within the territory of the Republic of Bosnia and Herzegovina be halted forthwith and the consequences of hostilities against the Republic of Bosnia and Herzegovina be reversed in accordance with the principles outlined above;

3. *Decides* to exempt the Government of the Republic of Bosnia and Herzegovina from the arms embargo imposed on former Yugoslavia by its resolution 713 (1991) with the sole purpose of enabling the Republic of Bosnia and Herzegovina to exercise its inherent right of self-defence;

4. *Decides* to remain actively seized of the matter.

DOCUMENT S/25998

Letter dated 22 June 1993 from the representatives of France, Spain and the United Kingdom of Great Britain and Northern Ireland to the President of the Security Council

[Original: Spanish]
[24 June 1993]

We have the honour to bring to your attention the text of the Declaration on Bosnia and Herzegovina adopted by the European Council at Copenhagen on 22 June 1993.

We should be grateful if you would have the text of this letter and the Declaration circulated as a document of the Security Council.

(Signed) Jean-Bernard MERIMEE
Permanent Representative of France
to the United Nations

(Signed) Juan A. YAÑEZ-BARNUEVO
Permanent Representative of Spain
to the United Nations

(Signed) Sir David HANNAY, KCMG
Permanent Representative of the United Kingdom
of Great Britain and Northern Ireland to the United Nations

TEXT OF THE DECLARATION

[Original: English/French]

The European Council reviewed the extremely grave situation in the former Yugoslavia and the latest negotiations between the parties to the conflict in Bosnia and Herzegovina on the basis of a report by Lord Owen to Ministers.

The European Council expresses its full confidence in the Co-Chairmen of the Steering Committee of the International Conference on Former Yugoslavia and encourages them to

pursue their efforts to promote a fair and viable settlement acceptable to all three constituent peoples of Bosnia and Herzegovina. It will not accept a territorial solution dictated by the Serbs and Croats at the expense of the Bosnian Muslims.

The European Council reaffirms its conviction that a negotiated settlement has to be based on the principles of the London Conference, reflected in the Vance/Owen peace plan, particularly the independence, sovereignty and territorial integrity of Bosnia and Herzegovina, the protection of human rights and the rights of minorities. The inadmissibility of acquisition of territory by force, the vital need for humanitarian aid to be provided and reach those in need, the prosecution for war crimes and breaches of international humanitarian law.

The European Council supports the Bosnian Government's call for an immediate cease-fire. It reaffirms the need for wider international support for humanitarian aid and for guaranteed safe passage of convoys.

Speedy implementation of Security Council resolutions on safe areas is an indispensable contribution to the implementation of the objectives mentioned above. The European Council decided to respond positively to the request of the Secretary-General for men and money. It urged member States to comply with that request within their abilities. At the same time, it appeals to other members of the international community to do likewise.

Sanctions will remain in place and will be tightened until conditions for their lifting set by the United Nations and the European Community have been met. The Community and its member States will contribute further resources to their strict enforcement.

DOCUMENT S/26002

Letter dated 25 June 1993 from the representative of Croatia to the Secretary-General

*[Original: English]
[26 June 1993]*

I have the honour to submit herewith a letter by the President of the Republic of Croatia, Mr. Franjo Tudjman, addressed to you.

I should be grateful if you would provide for the distribution of the letters as a document of the Security Council.

*(Signed) Mario NOBILO
Permanent Representative of Croatia
to the United Nations*

LETTER DATED 25 JUNE 1993 FROM THE PRESIDENT OF THE REPUBLIC OF CROATIA TO THE SECRETARY-GENERAL

I have the honour to inform you that the Republic of Croatia considers that a limited extension of the present mandate of UNPROFOR *[United Nations Protection Force]*,

pursuant to the request of your Special Representative made in accordance with paragraph 6 of your report dated 24 June 1993 *[S/25993]*, is only partially acceptable, i.e. for the period of one month. This extension is to be viewed as a trial period in which the Serbian side (their local leaders) should start seriously cooperating with Croatian authorities in the implementation of the United Nations peace plan (Vance plan) and relevant Security Council resolutions. If local Serbs sign, within that period, the binding agreement on the implementation of the Vance plan, the Republic of Croatia will be willing to consider the extension of the mandate for a period of three to six months. Without the signed and binding agreement and significant progress in the implementation of the Vance plan, the extension of the UNPROFOR mandate would only serve the dilatory tactics of the Serbian local leaders and reinforcement of the status quo.

I am fully aware of the difficulties that you and the Security Council have in the realization of the tasks given to UNPROFOR. However, the Republic of Croatia sees no reason for the continued presence of UNPROFOR on her territory if its tasks, defined in resolutions already adopted by the Security Council, are not being performed. Our decision, which was already communicated to your Special Representative yesterday, to agree to the extension of UNPROFOR's mandate for a period of one month, has been made in the hope that it will benefit the current peace process which is being conducted under the auspices of the International Conference on the Former Yugoslavia, especially concerning its attempts to find a durable and just political solution for the Republic of Bosnia and Herzegovina. We believe that the one-month extension of the UNPROFOR mandate will be enough to "provide a breathing-space for the continued efforts of the peacemakers", as you stated in your aforesaid report.

As you correctly stated in your latest reports *[S/25777 and S/25993]*, the local Serb authorities in the UNPAs are not cooperating with the Croatian Government nor with the international community, and they are openly resisting the implementation of the relevant Security Council resolutions. However, the Republic of Croatia will try to continue negotiations with the local Serbian population in a sincere effort to find a solution for the benefit of all sides. But Croatia cannot allow an indefinite prolongation of the status quo that is seriously undermining not only the relevance of the Security Council resolutions, but which is also threatening the territorial integrity of the Republic of Croatia.

In making the decision to accept an extension of UNPROFOR's mandate by only one month, Croatia has taken into account the following important facts. Croatia can no longer tolerate the de facto separation of her territory into several parts with extremely difficult communications among them. Today the eastern part of Croatia can hardly be reached from the western part because of the existence of UNPA Sector West, and the south of Croatia is actually separated from the north by UNPA sectors North and South. The electrical power system cannot supply the south of Croatia from the north because the high-voltage links have been cut. The pipeline from Rijeka to central Croatia, which is of vital importance not only for Croatia but also for several Central European States

(as witnessed by the request of the Central European Initiative to the United Nations), is out of operation. The railway link between Split and Zagreb, via Knin, to Europe has been disrupted for two years already. For this reason the economic hardship threatens to disrupt the entire social life in Croatia with unforeseen consequences. The heavy burden of refugees and displaced persons, for whom Croatia is obliged to care, is further seriously aggravating the already difficult economic situation. In view of all this our limited armed action in the area of Maslenica and the Peruća Dam can be easily explained and justified.

To all these facts some other of equal, if not greater, significance can be added. Daily Serbian attacks on Croatian cities, which are continuing in spite of the UNPROFOR presence and signed cease-fire agreement, are seriously disrupting what has been left of the normal life. The Serbian "authorities" are misusing UNPROFOR's unpreparedness and reluctance to enforce the Security Council resolution, and are trying through a self-proclaimed and illegal "referendum" to create a Serbian "state" within the internationally recognized borders of the sovereign Republic of Croatia. All this is making the present situation for Croatia intolerable.

The Republic of Croatia would welcome the active role of UNPROFOR in implementing the Security Council resolution as already specified in my letter to you dated 3 June 1993 [see S/25885]. If, according to our present proposal, progress is made during this one month period, the Republic of Croatia would be willing to accept the prolongation of UNPROFOR's role in Croatia under a new mandate. However, we emphasize once more that any agreement on the new mandate could be concluded only between the Republic of Croatia and the United Nations, and be separated from the UNPROFOR mandates in Bosnia and Herzegovina and Macedonia. Besides that, the new mandate must give UNPROFOR the authority and instructions to enforce and implement all of the relevant resolutions of the Security Council in accordance with a specific timetable.

I sincerely hope that the Security Council will accept our present proposal and I can assure you that the Republic of Croatia shall be always prepared to cooperate fully and sincerely with the United Nations. We are prepared to extend our logistic support and put at the disposal of UNPROFOR our facilities in case the mandates for Bosnia and Herzegovina and Macedonia are separated from the one for Croatia.

(Signed) Franjo TUDJMAN
President of the
Republic of Croatia

DOCUMENT S/26003

Letter dated 26 June 1993 from the representative of the United States of America to the President of the Security Council

[Original: English]
[26 June 1993]

In accordance with Article 51 of the Charter of the United Nations, I wish, on behalf of my Government, to report that the

United States of America has exercised its right of self-defence by responding to the Government of Iraq's unlawful attempt to murder the former Chief Executive of the United States Government, President George Bush, and to its continuing threat to United States nationals.

The Government of Iraq bears direct responsibility for the failed attempt to assassinate the former President of the United States for actions he took while he was President. The United States has reached this conclusion based on clear and compelling evidence of the Government of Iraq's actions in the attempted murder.

Based on the pattern of the Government of Iraq's behaviour, including the disregard for international law and Security Council resolutions, the United States has concluded that there is no reasonable prospect that new diplomatic initiatives or economic measures can influence the current Government of Iraq to cease planning future attacks against the United States. Accordingly, as a last resort, the United States has decided that it is necessary to respond to the attempted attack and the threat of further attacks by striking at an Iraqi military and intelligence target that is involved in such attacks. The United States has chosen its target carefully so as to minimize risks of collateral damage to civilians.

It is the sincere hope of the United States Government that such limited and proportionate action may frustrate future unlawful actions on the part of the Government of Iraq and discourage or preempt such activities.

In light of the above, my Government hereby requests an urgent meeting of the Security Council.

In view of the seriousness of the Government of Iraq's actions, it is requested that you circulate the text of this letter as a document of the Security Council.

(Signed) Madeleine ALBRIGHT
Permanent Representative of
the United States of America
to the United Nations

DOCUMENT S/26004

Letter dated 27 June 1993 from the representative of Iraq to the President of the Security Council

[Original: Arabic]
[27 June 1993]

On instructions from my Government, I have the honour to transmit herewith a letter dated 27 June 1993 from Mr. Mohammed Saïd Al-Sahaf, Minister for Foreign Affairs of Iraq, concerning the attack perpetrated by the United States against Iraq on the morning of 27 June 1993.

I should be grateful if you would have the text of the letters circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Permanent Representative of Iraq
to the United Nations

LETTER DATED 27 JUNE 1993 FROM THE MINISTER
FOR FOREIGN AFFAIRS OF IRAQ TO THE PRESIDENT
OF THE SECURITY COUNCIL

I wish to inform you that, this morning, 27 June 1993, the Government of the United States of America committed a cowardly act of military aggression against Iraq. American warships stationed in the Red Sea and the Arabian Gulf fired 23 Tomahawk cruise missiles at the headquarters of the Iraqi information service and the nearby civilian districts of Al-Mansour and Al-Ma'moun in the very centre of Baghdad.

This totally unjustified act of aggression has left a large number of dead and wounded among the Iraqi civilian population, including women and children. This was a deliberate terrorist act perpetrated by the Government of the United States of America on grounds which were spurious and unjustified, concocted by the American authorities with the complicity of the leaders of Kuwait.

We condemn this act of aggression by the United States of America and call on the Security Council and the international community to associate themselves with this condemnation and to assume their responsibilities by halting the repeated barbaric attacks against Iraq and other countries and peoples of the world, as evidenced by current events in Somalia.

A few days before the cowardly American attack on the city of Baghdad, an American U-2 spy plane flew over the city for several hours, on the pretext of carrying out reconnaissance operations as part of the activities of the United Nations Special Commission. This constitutes irrefutable evidence that the American U-2 spy plane was used for espionage operations in preparation for the American attack on Iraq.

The silence maintained by the United Nations in the face of the persistent crimes perpetrated by the United States against Iraq and the peoples of the world has encouraged the belligerent United States regime to persist in this course of action and seek to secure world hegemony by means of armed force, State terrorism and blackmail.

The whole world can see clearly that the United States is using its armed force in an aggressive and barbaric manner in order to accomplish its goal of imposing its hegemony on the peoples of the world.

(Signed) Mohammed Saïd AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

DOCUMENT S/26005

Further report of the Secretary-General on the United
Nations Observer Mission in El Salvador

[Original: English]
[29 June 1993]

1. The purpose of the present report is to update the Security Council on the recent discovery, at various locations inside and

outside of El Salvador, of illegal arms deposits belonging to the *Frente Farabundo Martí para la Liberación Nacional* (FMLN). Following my letter of 8 June 1993 to the President of the Security Council on this issue [S/25901], the Council issued a statement on 11 June [S/25929] in which it expressed serious concern at the maintenance of such clandestine arms deposits, which it considered the most serious violation to date of the commitments assumed under the Peace Agreement. The Council also urged FMLN to comply with its obligation to provide a complete inventory of its arms and munitions, both inside and outside El Salvador and surrender them in accordance with the provisions of the Peace Agreement, and to continue to cooperate in this regard with the United Nations Observer Mission in El Salvador (ONUSAL). Ever since the discovery of the first illegal arms cache at Managua on 23 May, I have made continuous efforts directly and through ONUSAL to establish the facts, to ensure that all remaining clandestine caches are declared to it and their contents destroyed and to limit the repercussions on the peace process of this very serious violation of the Peace Agreement.

2. On 12 June 1993, I addressed a letter to the Coordinator-General of FMLN, Mr. Schafik Handal, in which, among other things, I expressed my distress at learning that, contrary to the assurances he had given me, the final inventory of weapons presented to ONUSAL by FMLN had been grossly inaccurate. I reminded Mr. Handal that it was on the basis of ONUSAL's confirmation that all the items in the inventory had been accounted for and were being destroyed that FMLN had been legalized as a political party by the Supreme Electoral Tribunal (*Tribunal Supremo Electoral*) of El Salvador. I emphasized that such a deliberate attempt to mislead me placed my credibility in doubt and raised very serious questions of confidence and trust. I accordingly urged FMLN to demonstrate in words and deeds that it remained committed to the peace process and also requested Mr. Handal to inform me, by 20 June 1993, of the action taken by FMLN to ensure that all arms caches in El Salvador and in neighbouring countries were located and their contents destroyed, and that any weapons still in possession of FMLN militants were similarly handed over to ONUSAL for destruction. The full text of my letter to Mr. Handal is annexed to this report (annex I).

3. On 17 June 1993, I received Mr. Handal's reply, dated 16 June, together with another letter, dated 11 June, addressed to me by Mr. Salvador Sánchez Cerén, Secretary-General of the FMLN constituent group which had acknowledged responsibility for the existence of the Managua arms cache, the Popular Liberation Forces (*Fuerzas Populares de Liberación*) (FPL). Both letters are annexed to the present report as annexes II A and B. Mr. Handal stressed that, notwithstanding the existence of undeclared war-related *matériel*, whose purpose had been "to keep a last negotiating card in order to guarantee peace and the conclusion of the agreements", FMLN had at no time considered resuming the armed struggle in El Salvador and unreservedly reaffirmed its commitment to the peace process. He also stated categorically that FMLN had no armed groups under its command. Finally, he referred to FPL's readiness to "clean up its house", adding that the FMLN leadership was considering how best to carry out the collection

of arms which might have been dispersed and concealed. He also promised to inform me as soon as possible of the conclusions reached in this regard (see para. 5 below).

4. For his part, Mr. Sánchez Cerén apologized for having misled me and the United Nations, stating that FPL had not inventoried nor destroyed all its arms owing to its profound mistrust of the armed forces. This mistrust had grown with the Government's delays and failure to meet its commitments. Although various reschedulings had prevented the collapse of the process, the balance reflected in the initial implementation timetable had been radically upset. He further stated that, as FMLN developed as a political party and its chances of expansion were increasing, the maintenance of those arms had become an onerous and unnecessary burden, incompatible with its new status. Consequently, FPL had already decided to hand over its caches to the Nicaraguan Government and to ONUSAL when the explosion occurred. He further stated that FPL had taken all the necessary steps to rid itself of all arms and that, once the total destruction of the weapons in Nicaragua was completed, it would inform ONUSAL about the location of the remaining caches in El Salvador. Shortly after this letter, FPL contacted ONUSAL with a view to setting up a schedule, not to exceed 45 days, for the location and destruction of the caches. This was followed, on 18 June, by a letter addressed to my Special Representative, in which Mr. Sánchez Cerén indicated FPL's willingness to begin working immediately with ONUSAL on this process. In his letter Mr. Sánchez Cerén also appointed an FPL liaison officer for the purpose of drawing up with ONUSAL the operational plan for the location and destruction, by 4 August 1993, of the above-mentioned weapons.

5. On 19 June 1993, Mr. Handal, complying with his promise to me, informed me that FMLN would cooperate with ONUSAL in locating and destroying all of its remaining weapons within a period of 45 days beginning on 21 June 1993 (i.e. by 4 August). Any weapons confiscated after the expiry of that period would be accounted for solely by the persons in whose possession they were found and would not be FMLN's responsibility. Finally, expressing concern for delays and non-compliance by the Government with its obligations under the Peace Accords, Mr. Handal stressed the need for the establishment of specific time-limits to assure full implementation of pending commitments. The need for such a timetable has been repeatedly raised by FMLN, particularly last March when Mr. Handal visited United Nations Headquarters on the occasion of the presentation of the report of the Commission on the Truth. In this regard, he emphasized the importance of renewed direct communication between the parties. The full text of Mr. Handal's letter is included in annex III.

6. On 17 June 1993, the ONUSAL technical team that had travelled to Managua on 29 May, at the invitation of the Government of Nicaragua, to work jointly with the Government's Special Disarmament Brigade (*Brigada Especial de Desarme*) on the establishment of the facts surrounding the 23 May explosion reported that the task of itemizing and destroying weapons and war-related *matériel* that were under the control of FPL had been completed. Based on the

information provided by FPL, which cooperated fully in the investigation, ONUSAL and the Nicaraguan authorities verified 16 "safe houses" (*casas de seguridad*), including the automobile-repair shop that was the scene of the 23 May incident. Five of those houses contained armament which was mostly in good condition, and which included some 1,240 rifles, 2,025 kilogrammes of explosives, 1,406,300 rounds of ammunition, 1,300 mortar grenades, 3,970 assorted grenades, 350 rockets (LAW), 35,700 detonators, 42 machine-guns and 19 surface-to-air missiles. No weapons or war *matériel* were found in the other "safe houses". The Nicaraguan authorities are continuing their inquiries into the possible involvement of parties foreign to El Salvador.

7. Another constituent group of FMLN, the former People's Revolutionary Army (*Ejército Revolucionario del Pueblo*), now renamed *Expresión Renovadora del Pueblo* (ERP), separately handed over to ONUSAL at San Salvador, on 17 June 1993, some 2-3 tons of *matériel* consisting primarily of small-arms ammunition and explosives, some of them in poor condition. ERP has also informed ONUSAL about the existence of another clandestine deposit in the eastern part of the country, which it will soon transfer to ONUSAL for destruction. Furthermore, ONUSAL has been informed by a third FMLN group, the National Resistance (*Resistencia Nacional*), that various caches of arms and ammunition located in the country would be transferred to it for destruction within the next few days. A fourth FMLN faction, the Liberation Armed Forces (*Fuerzas Armadas de Liberación*), has also informed ONUSAL that it will soon provide information on its own holdings of war *matériel*.

8. On 11 June 1993, I received a letter from President Cristiani in which, among other things, he stated that the conduct of FMLN, in addition to being in violation of the commitments it had assumed, violated the constitutional provision prohibiting the existence of armed groups and might therefore be a reason to disband FMLN as a political party. In this connection, the President requested that the 14 December 1992 ONUSAL certification of complete disarmament on the part of FMLN be left in abeyance until FMLN had handed over all its war-related *matériel* for destruction. In the same letter, President Cristiani also demanded that FMLN demobilize armed groups of its members or sympathizers, or declare that it had severed links with such groups. The President also expressed the view that the gravity of the breach by FMLN warranted that the Security Council pass a resolution on the matter. President Cristiani's letter appears in annex IV to the present report.

9. The right of FMLN to maintain its status as a political party in the current circumstances has also been questioned in other quarters and the view expressed that this status should be cancelled or suspended. On 14 June 1993, the Supreme Electoral Tribunal (*Tribunal Supremo Electoral*), which, on the basis of ONUSAL's certification, had granted to FMLN its present status, requested from ONUSAL a full report on the discovery of arms caches in Nicaragua.

10. As indicated above (see para. 3), FMLN has categorically denied that it is supporting any armed groups or

that it has any such groups under its command. However, it has not discarded the possibility that some of its former combatants belong to groups of delinquents and has requested that a professional investigation be conducted with the support of ONUSAL. It has also offered its full cooperation in dealing with this problem. ONUSAL has been investigating the issue for some time and has found no evidence of armed groups under the command of FMLN. It has, however, confirmed the existence of a number of armed criminal bands varying in size from 20 to 50 members and composed not only of ex-combatants of FMLN, but also of former members of the armed forces and civilians equipped with military weapons. ONUSAL has for its part ascertained that these bands are fully autonomous and that their behaviour is of a criminal and non-political nature. It has been able to identify members of one of those groups and has turned this information over to the Government. ONUSAL will continue to gather information on the activities of these criminal groups and to cooperate with the authorities on this matter. No direct relationship has been established between these groups and the arms caches recently discovered.

11. The seriousness of the situation which was revealed by the explosion of 23 May 1993 at Managua cannot be overemphasized. It has raised questions of confidence and trust and could have seriously undermined the peace process. However, the cancellation or suspension of FMLN's status as a political party could in my view place in jeopardy the progress which has so far been achieved and could itself deal a severe blow to the peace process. The transformation of FMLN into a political party and the full reintegration of its members, within a framework of full legality, into the civil, political and institutional life of the country, are at the very core of the Peace Accords. Indeed, this process constitutes the ultimate goal of the entire process as envisaged in the Geneva Agreement of 4 April 1990. It is likewise imperative to avoid a disruption of the electoral process, in which it is essential that FMLN have every opportunity to participate. Fortunately, FMLN's prompt and complete acceptance of its responsibility for the events and its full cooperation in the ensuing investigation have paved the way for a restoration of the confidence that should accompany the peace process. It is clear however that FMLN now has to demonstrate anew its commitment to that process and that confidence will only be fully restored upon the complete disclosure, as promised, by FMLN of all its holdings in arms and munitions and their subsequent destruction by the date indicated. I shall keep the Security Council informed of further developments.

12. It is an indication of the strength and irreversibility of the peace process and a credit to both parties that a serious incident of this nature has not been allowed to derail the implementation of the Peace Accords. In this regard, I wish to commend President Cristiani for the statesmanship he has demonstrated and to exhort the Government and FMLN to make every effort in the months ahead to restore confidence in the peace process and to ensure its successful completion. I also wish to record my gratitude to the Government of Nicaragua for the cooperation and support it has given ONUSAL in this matter.

ANNEX I

Letter dated 12 June 1993 from the Secretary-General to the Coordinator-General of the Frente Farabundo Martí para la Liberación Nacional

I write with reference to the recent discovery in Nicaragua of important quantities of military weapons and related items belonging to one of the constituent groups of FMLN. You will already have seen the statement made on this matter by the President of the Security Council on behalf of the Council.

As you are well aware, it is on the basis of (a) repeated assurances by the FMLN that the inventory it had presented to ONUSAL was a full statement of its holdings of military *matériel* and (b) confirmation by ONUSAL that all the items in that inventory had been accounted for and were being destroyed, that the FMLN became a political party on 14 December 1992 and the armed conflict in El Salvador was brought formally to an end on the following day. It is because I was convinced that such indeed was the case that I stated then that El Salvador had crossed the line from armed peace into a new era. With this in mind, I am distressed to learn that, contrary to your assurances which I had accepted in good faith, the inventory presented to ONUSAL by FMLN was grossly inaccurate and failed to include large quantities of warlike *matériel*. Such a deliberate attempt to mislead me places my credibility in doubt and raises in my mind very serious questions of confidence and trust which, in the absence of any communication from you, I am unable to answer at this time.

Recent pronouncements in El Salvador clearly show the damaging effects of the recent incident in Nicaragua and the very serious consequences that it could have for the peace process itself. I would urge you to take the necessary steps to demonstrate, in words and in deeds, that FMLN, notwithstanding the damage done, continues to be committed to the Peace Accords and to the process of national reconciliation.

Given the United Nations responsibility for verifying the implementation of the Peace Accords, it will be necessary for me to keep the Security Council informed about developments in regard to this issue. I should accordingly be grateful if you would inform me by 20 June 1993 of the action which has been taken by FMLN to ensure that all arms caches in El Salvador and neighbouring countries are located and their contents destroyed and that any weapons remaining in the hands of FMLN militants are similarly handed over to ONUSAL for destruction.

(Signed) Boutros BOUTROS-GHALI

ANNEX II A

Letter dated 16 June 1993 from the Coordinator-General of the Frente Farabundo Martí para la Liberación Nacional to the Secretary-General

[Original: Spanish]

In reply to your letter of 12 June 1993, I should like first of all to state that the Frente Farabundo Martí para la Liberación Nacional (FMLN) has at no time considered resuming the armed conflict. On behalf of all the comrades of the former General Command, I can assure you that we all remain committed to continuing to develop and consolidate the peace process. No one is supporting or is in command of armed groups.

While this does not rule out the possibility that there may be groups which include persons who at one point were FMLN

combatants - just as it has been determined that there are armed groups made up of former members of the armed forces and security bodies, at the present time they have no connection with us. As you know, this is a frequent and almost inevitable phenomenon in post-war periods, but it, I repeat, does not mean that FMLN is supporting, organizing or concealing the existence of such groups.

Consequently, you may rest assured that the view which you expressed at the ceremony marking the cessation of the armed confrontation to the effect that "El Salvador has crossed the line from armed peace into a new era" is completely valid and objective as far as FMLN is concerned, today as it was on 15 December.

Comrade Salvador Sánchez Cerén, in his letter of 11 June, which I have attached, explains clearly the reason why a certain quantity of arms was withheld without informing ONUSAL about this fact. The purpose of this was to keep a last negotiating card in order to guarantee peace and the conclusion of the agreements. The need for this card derives from a profound mistrust of the armed forces. This mistrust is based on both the reluctance of the armed forces to adapt to change and accept the new doctrine, their new role in a democratic society, as well as the military capability which this armed institution still has and which is sufficient to reverse the process, in spite of the measures and commitment by the United Nations to prevent them from doing so.

I understand perfectly that since I have not communicated with you until now you feel unable to respond to the doubts and questions which the discovery of the arms stockpile at Santa Rosa has given rise to. I did not contact you earlier because I had assumed that the free-flowing communication and full collaboration which our comrades in the Popular Liberation Forces (FPL) have had with ONUSAL were sufficient. In any event, I accept your views on the matter and apologize for this oversight. At the same time, I should like to reiterate that I feel personally committed to doing everything incumbent upon me to move forward through this critical period.

With regard to the information which you have requested from me concerning the measures which FMLN is taking in order to ensure that any further arms stockpiles which might exist in El Salvador or a neighbouring country are located and destroyed, I should like to indicate the following: as comrade Salvador Sánchez Cerén informs you, FPL has already taken the necessary steps to "clean up its house". The rest of us in the former General Command are considering the way in which arms which may have been dispersed and concealed could be recollected. I plan to return from Mexico City to San Salvador next Friday, 18 June. I shall then contact the other comrades and inform you as speedily as possible of the conclusions which we have reached. In the meantime, I am sending you a copy of the FMLN communiqué on the subject, which we issued yesterday.

I learned through the press that President Cristiani has requested you to suspend ONUSAL certification of the complete disarmament and demobilization of FMLN. The President intends to use this action by the United Nations to justify suspending the legal status of FMLN as a political party.

I am concerned at the fact that President Cristiani is taking these positions now. At first, he assumed a moderate stance with regard to the discovery at Santa Rosa. He espoused a position rather in defense of the peace process. Last Friday, however, he used the incident as a pretext for cancelling a high-level meeting between the parties which had been agreed upon after the discovery for the purpose of promoting compliance with the agreements to be carried out in order to reduce the negative impact of the incident. This change is probably due to the fact that President Cristiani is being subjected to strong pressure by those who are opposed to the peace process. They know that the armed conflict came about because the political avenues were

closed. They are aware that an attempt to close them again now, if only temporarily, may have serious implications for the process, which has not encountered any setback. Suspending the legal status of FMLN would be the first step backwards in the implementation of the agreements. Without any doubt, such a measure, instead of restoring trust between the parties, would enormously increase the feelings of mistrust.

Accordingly, I feel on the contrary that the United Nations should take extraordinary steps to re-establish communication between the parties and ensure that this stumbling block does not degenerate into an obstacle that paralyses and undermines the progress that has already been achieved or is close at hand. The Salvadorian people deserve the successful completion of this process, which began well and has proceeded well.

In view of the importance of the matter, you are at liberty to include a copy of this letter together with that of comrade Sánchez Cerén as an annex to your report to the Security Council.

I take this opportunity to convey to you the assurances of my highest consideration and once again reaffirm our commitment to proceeding forward in the peace process.

(Signed) Schafik Jorge HANDAL

ANNEX II B

Letter dated 11 June 1993 from the Secretary-General of the Fuerzas Populares de Liberación (FPL) to the Secretary-General

[Original: Spanish]

I am writing to you in my capacity as Secretary-General of the Fuerzas Populares de Liberación Farabundo Martí (FPL), and as a member of the Political Committee and of the former General Command of FMLN, with reference to the stockpiles of arms which we did not destroy earlier.

I believe that we owe you, your closest colleagues, the Group of Friends of the Secretary-General and members of the Security Council an explanation because of the very significant contribution which you have made, and can continue to make, to the process of implementation of the agreements and consolidation of peace in El Salvador. Please forward a copy of this letter to them all.

In explaining the viewpoint of FPL, I am not seeking to be exhaustive, to evade responsibilities or to deny the seriousness of this. I am trying to place it in proper perspective, to maintain your confidence and that of the others for whom this letter is intended and, above all, to ensure that those who have always opposed the peace process do not seize this opportunity to reduce substantially the achievements of the Salvadorian people.

First of all I should like to assure you that the reason we did not take an inventory of or destroy these arms was at no time because we were thinking of using them to conduct a further military offensive. As you yourself can confirm, ever since we opted to seek a political solution to the Salvadorian conflict, FPL - as part of FMLN - has been working hard in the negotiations, contributing to the search for formulas that have helped us to untie the "Gordian knots". After the signing of the peace agreements, we have been endeavouring to move ahead constructively with their implementation while, at the same time, devoting ourselves wholeheartedly to transforming our secret political-military structure into an open political organization with an expanding popular base.

The results of these efforts became clear at the close of the first FPL Congress, which was an expression of the vitality and political strength which we have built up and the occasion for the highest governing body of FPL to ratify, by unanimously approving the strategy for this new period, the historic decision which our Central Committee had taken, namely, to replace the political and military struggle by an exclusively political struggle. Our current strategy is aimed entirely at achieving the implementation of the agreements, electoral victory, promotion of overall development and the growth and consolidation of our political party.

The real reason we did not make an inventory of or destroy all our arms was simply that we had profound mistrust of the armed forces. This forced us to keep one last negotiating card up our sleeve in order to guarantee the full execution of all agreements. As you know, even though the process was put back on track by means of various reschedulings which averted a major crisis in the peace process, the Government's delays and failure to meet commitments considerably increased our mistrust and definitively upset the balance achieved in the initial schedule. As a result, destruction of FMLN's military apparatus was carried out under circumstances substantially different from those which were initially agreed on. It was done before the arms for the exclusive use of the armed forces had been collected, before land ownership in the conflict areas had been legalized, before the functional structure of PNC had been created, before the purification of the armed forces had been completed, and so forth.

For this reason, although we were fully confident that after 15 December you and your colleagues would continue to press for full implementation of the agreements, we had serious grounds for believing that after that date the resistance of certain sectors of the armed forces would increase, which might reduce the latitude for United Nations mediation. As you are well aware, the effectiveness of the United Nations observer missions does not depend only on the sincerity, dedication and commitment of the Secretary-General and his colleagues. If that were so, all the peace processes which are currently being verified by the United Nations would be as successful as that of El Salvador.

After 15 December, we were able to confirm, on the one hand, that the resistance of those sectors of the armed forces which opposed the peace agreement did increase and, at the same time, our own capacity to press for compliance with the agreements was substantially weakened. This contributed, *inter alia*, to a significant slowing down of the pace of execution of agreements that were incomplete or outstanding.

As you know, most of the agreements which were rescheduled on 22 December 1992 and 4 February 1993 were not implemented on the agreed new dates. Up to now they have not been implemented. This non-fulfilment is correctly reflected in the report you presented, on 21 May, to the Security Council, in which it is stated that some 30 government commitments have not been fully met. This is without listing all the recommendations of the Commission on the Truth and the Human Rights Division of ONUSAL which the Government has not acted on.

Moreover, we were also able to confirm that, after 15 December, you, your colleagues and the Security Council continued to press insistently for full implementation of the recommendations of the Ad Hoc Commission, the Commission on the Truth and all other agreements.

Inasmuch as we were continuing to develop as a legal political party and as our prospects of continuing to do so were expanding apace, it became incompatible, burdensome and unnecessary for us to have these stockpiles of arms. For that reason, those in charge of

maintaining the stockpiles had already decided to hand them over privately to the Government of Nicaragua and to ONUSAL, as had been done with the stockpiles we had in Honduras. Unfortunately this new decision was not carried out because all the active members of FPL were engrossed in preparing for Congress and the Congress itself, and in the immediate tasks following therefrom.

The discovery of the stockpile at Santa Rosa in Nicaragua and all the implications of that event convinced us that the decision to rid ourselves of all arms was the correct one. Unfortunately, we had to do it after the events of 23 May.

I should like to take this opportunity to apologize for concealing the existence of these stockpiles from you and your colleagues. For the reasons set out above, we were convinced of the need to keep them, but decided to do so without informing you of the fact, since we were aware of the impartiality with which you and your colleagues had acted in the Salvadorian peace process.

The above explanations relate to the past. As to the present and the future, we have already publicly acknowledged responsibility for the arms found at Santa Rosa and are handing over to the Nicaraguan Government and ONUSAL other stockpiles we had kept in that country. Once they have been destroyed, we shall inform ONUSAL of the whereabouts of the stockpiles we have maintained in El Salvador so that they can be immediately destroyed. In short, we have already undertaken the necessary measures to "clean up our house", in other words to comply with the undertakings we gave in the peace agreements. We are also cooperating with the Nicaraguan Government to settle the legal proceedings currently in progress.

However, we are concerned that all these actions have served to fan, rather than extinguish, the flames. Because of the domestic political situation in Nicaragua and the forthcoming elections in El Salvador, these actions are continually being distorted in an attempt to further damage FPL, reduce the prospects of an electoral victory by the Salvadorian left, create a climate in which attacks on the opposition can be stepped up and, above all, diminish past prospective gains under the peace agreements, which are the heritage not of FMLN, but of the Salvadorian people.

For almost a month the local press has focused attention on the arms hidden by FPL. Scant mention has been made of the arms for the exclusive use of the armed forces which are still in the hands of civilians. It has overlooked the fact that many of the commitments given by the Government have not been met, including the land transfer programme, the agreement to deploy the National Civil Police, the gradual disbanding of the national police, implementation of the medium-term programme for the reintegration of former combatants into civilian life, compliance with the recommendations of the Commission on the Truth, and so on.

Even your letter to the Security Council and the latter's subsequent declaration have been manipulated by certain sectors. Instead of serving to accelerate confidence-building and relaunch the process by urging full and immediate compliance with all the agreements, they are being used to promote mistrust and justify the failure to comply with the remaining agreements.

The fact that attention has been focused solely on the arms in the possession of FPL has today been used by the Government as a pretext for cancelling a high-level meeting at the eleventh hour. The meeting had been called by ONUSAL in the wake of the events in Nicaragua. It would have been very useful in seeking ways of rebuilding confidence, reopening communications, curbing the current increase in the dirty war, and speeding up implementation of the agreements.

It is clear that the extreme right is aggressively attacking the FPL leaders and prospective candidates not only from a desire to halt the implementation of the agreements once and for all, but also because they want to distort and reverse them. They know that FPL is the majority component of FMLN and one of its most dynamic forces. They know that by weakening FPL they can damage the prospects of the Salvadorian left winning the elections. They want to prevent the new Government from continuing to extend and consolidate the gains achieved by the negotiations. They want to ensure victory for ARENA in order to reverse the process of demilitarization and democratization carried out under the agreements.

In conclusion, I am convinced of the urgent need to put the transgression by FPL in a proper perspective, recognize that it has already been rectified and give rapid impetus to the process of implementing the agreements. It would be very useful if the chief of ONUSAL could call, privately as well as publicly, for efforts to overcome the crisis and the swift resumption of the process of complying fully with the agreements. Otherwise, that process will be seriously and irreparably damaged, with the main loser being not FPL but the Salvadorian people.

Without wishing to exonerate FPL, FMLN or the Government, we hope that in the interest of the Salvadorian people you will again be able to foster the resumption and consolidation of the peace process and prevent the current crisis from escalating and resulting in deadlock. There is an urgent need to refocus attention and efforts on meeting the outstanding commitments. Time is running out.

I take this opportunity to convey the assurances of my highest consideration, and to reaffirm our complete readiness to continue promoting the consolidation of peace through full compliance with all the agreements.

(Signed) Salvador SANCHEZ CEREN

ANNEX III

Letter dated 19 June 1993 from the Coordinator-General of the Frente Farabundo Martí para la Liberación Nacional to the Secretary-General

[Original: Spanish]

Further to my letter of 16 June 1993, I am writing to inform you that, after my return from Mexico yesterday I met with my comrades of the former General Command and we adopted decisions and measures concerning the arms of the Frente Farabundo Martí para la Liberación Nacional (FMLN) that remain to be collected and destroyed. The decisions and measures are the following:

1. Collect and destroy, in close cooperation with the United Nations Observer Mission in El Salvador (ONUSAL), arms still held by FMLN, within a period of 45 days beginning on 21 June. We believe that this is sufficient time for us and we hope that it will also be sufficient for ONUSAL with its reduced military staff.
2. We cannot specify in advance the number and type of these arms, since there may be scattered and concealed weapons stockpiles over which we have no firm control. We have taken the necessary measures to determine the existence and whereabouts of such weapons stockpiles. We believe that, at the end of the aforementioned period, we will be in a position to specify the number and type of weapons that were collected.
3. The Fuerzas Populares de Liberación (FPL) has informed us of its decision to reveal the location of and destroy the

weapons stockpiles that it still maintains in El Salvador, once it has finished destroying, with the cooperation and supervision of ONUSAL, its stockpiles of weapons in Nicaragua. FPL has already submitted the plan for its operation in El Salvador to ONUSAL.

The Ejército Revolucionario del Pueblo (ERP) has also informed us that last week it provided ONUSAL with information about arms still in its possession with a view to their destruction.

We believe that all these arms should be accounted for at the end of the 45 days.

4. The collection of FMLN arms during this time period should proceed without publicity, in private, in accordance with a plan that each member organization of FMLN will submit to ONUSAL. This operation can begin immediately, with the plan already submitted by FPL. ONUSAL would publicize the final results. The Armed Forces of El Salvador (FAES) and the National Police should not participate in this operation in any way. Since the operation involves former areas of conflict that are subject to a special security regime, the participation of the National Civil Police would be acceptable only when ONUSAL considers it necessary.
5. The arms confiscated after the expiry of the 45-day period shall be accounted for solely by the persons in whose possession they are found. FMLN disclaims all responsibility. We have expressly agreed to this arrangement.
6. We have carefully examined the case of the arms that disappeared, after having been inspected and itemized by ONUSAL, at the 15 points at which our forces were concentrated during the period of the "armed peace", and we have concluded that:
 - (a) These arms were taken from under our control; to put it bluntly, they were stolen;
 - (b) It is clear that, since the arms formed part of the inventories that we turned over to ONUSAL and were inspected by its Military Division, there is no reason to suppose that we removed them ourselves for the purpose of concealing them;
 - (c) We are unable to recover these arms and, if they are confiscated in the future by the competent authorities, those persons in whose possession the arms are found shall be held accountable.

The developments that have prompted me to write this letter are, as you well understand, typical of a post-war situation and the complex process of dealing with the consequences of a long war that has had political, economic, moral, material and psychological repercussions and has left mistrust and anxiety in its wake. We cannot allow any of these difficulties and, at times, complications to affect the peace or hinder the process of democratization. This is our firm conviction and resolve.

The peace process in El Salvador, despite these incidents, is a tangible fact, and it must be continued and encouraged. The strength of that process derives from each party's compliance with the agreements and commitments it has undertaken. This is also the source of its credibility.

FMLN has paid a high political price for not having complied fully with its obligation to submit accurate inventories of its arms.

However, by taking the measures set out in this letter, it is making an extraordinary effort to normalize its situation within a short period of time - by 4 August 1993 - and thereby give new impetus to the Chapultepec process.

In your report of 21 May 1993, you informed the Security Council of a considerable and disturbing number of cases of non-compliance or distortions of its obligations on the part of the Government of President Cristiani, which form a truly dramatic panorama. We see no reason for considering such cases of non-compliance as any less serious than ours, which we are currently rectifying. This situation continues to give rise to mistrust among our member organizations and also among broad sectors of the population. Mistrust is increasing as the date of the elections - which will be held in March 1994 - approaches and the time remaining in the term of President Alfredo Cristiani is growing shorter; at the same time, the many cases of non-compliance that you referred to in your report have not been substantially redressed.

We are convinced of the need for extraordinary measures and efforts to ensure that the Government fulfils all its obligations in what remains of the current year, in any case before the March 1994 elections, except in those cases in which it was agreed that full compliance would take place at a later date.

We believe that the Government must agree on specific time-limits that will enable it to end its dilatory behaviour and comply fully with its obligations that it has undertaken. We hope that you obtain specific commitments and measures from the Government of El Salvador so that the peace and democratization process can be brought to a satisfactory conclusion. It is particularly important, as I mentioned in my previous letter, to re-establish direct communication between the parties.

I should like to reiterate, on behalf of all the members of FMLN, our strong desire to continue and promote the Chapultepec process, our firm resolve not to resume the armed struggle, and our assurances that we wish to cooperate in overcoming current difficulties without jeopardizing the peace process in any way.

Finally, I should like to draw your attention to the efforts being made to ban or suspend the legality of FMLN as a political party:

On 14 June, the Supreme Electoral Tribunal decided to request ONUSAL to provide information relating to the discovery of a FPL weapons cache at Managua. "since, in order to register the Partido Farabundo Martí para la Liberación Nacional on 14 December 1992, it was required that the aforementioned party should be a 'truly disarmed organization', as the aforementioned Mission certified on that same day".

The reply of ONUSAL will undoubtedly be of legal significance, since it can be used as evidence against the legality of FMLN, with consequences that could greatly damage the peace process, to which I referred in my previous letter. The manner and terms in which ONUSAL replies to the request of the Supreme Electoral Tribunal will therefore be of the utmost importance. We believe that this situation should be dealt with very carefully.

(Signed) Schafik Jorge HANDAL

ANNEX IV

Letter dated 11 June 1993 from the President of the Republic of El Salvador to the Secretary-General

[Original: Spanish]

I am writing to convey to you the deep concern of the Government of the Republic of El Salvador at the large quantities of

arms, ammunition and explosives belonging to FMLN recently discovered in Nicaragua, and at the other large quantities which might be present in Nicaragua and about which there is hard information. This should be investigated and verified in the next few days.

The aforementioned discoveries are in addition to the discoveries in El Salvador that we reported earlier to the United Nations Observer Mission in El Salvador (ONUSAL), and demonstrate unequivocally that FMLN has consciously violated its fundamental commitment to hand over all weapons, munitions, mines, other explosives and military equipment of its forces, including those located in other countries. Moreover, it has called into question your statement in the report to the Security Council dated 21 May 1993 [S/25812] that "by 11 February, all the arms stored in the FMLN concentration areas had been destroyed and on 1 April the destruction of arms in deposits outside El Salvador was completed".

The aforementioned violation becomes even more serious if one considers all the efforts you made before 15 December 1992 to ensure that FMLN included in the inventory submitted to ONUSAL large quantities of weapons in its possession that had not been included in the inventory submitted at the beginning of the cease-fire - conduct that was also in violation of the commitments assumed. Furthermore, it confirms the opinion of the Government of El Salvador, which is shared by other Governments, that the weapons and war matériel declared by FMLN differed substantially from what was actually its arsenal, a fact which was reported to ONUSAL on many occasions before 15 December 1992, the date on which you certified as satisfactory the inventory of arms and war matériel submitted by FMLN.

The conduct of FMLN is extremely serious and could affect the credibility of the entire peace process, but it is also a violation of the constitutional provision prohibiting the existence of armed groups, and it might be a reason to disband FMLN as a political party. In addition, that breach has been described as a serious development by the national supervisory body - COPAZ - as witness the accompanying document.

Our commitment is to consolidate peace in El Salvador; accordingly, the word pledged before you in the Geneva agreement must be honoured. We therefore respectfully request that you give a clear indication that there has been a serious breach of the commitment undertaken by FMLN as described above, and that the ONUSAL certification of complete disarmament on the part of FMLN be left in abeyance, until FMLN has handed over - and made available to ONUSAL for complete destruction - all war matériel in its possession either in El Salvador or in other countries. We believe that the gravity of the breach warrants a resolution by the Security Council; we are calling for a resolution because we think it is necessary in order to safeguard the prestige of a process which, as you stated in the report, constitutes a notable example for the world.

We also believe that the time is ripe for FMLN to be required to disarm the armed groups of members or sympathizers (we have reported them to ONUSAL and it has verified the reports in some cases), or declare that it has severed links with such groups, so that the means afforded by legislation might come into play, with a view to safeguarding the lives and property of the peaceful inhabitants of El Salvador.

Please find attached a copy of all the reports sent to ONUSAL on the question that has prompted this letter, as well as the aforementioned COPAZ statement and documents confirming what we are now reporting.

(Signed) Alfredo CRISTIANI

* The attachments are not included in the present report.

DOCUMENT S/26007

**Letter dated 28 June 1993 from the representative of the
United Republic of Tanzania to the President of the
Security Council**

*[Original: English]
[28 June 1993]*

I have the honour to attach the text of a statement issued by my Government in its capacity as Facilitator in the Rwandese Talks at Arusha regarding the postponement of the date for the signing of the Comprehensive Peace Agreement between the Government of Rwanda and the Rwandese Patriotic Front, and to request that it be circulated as a document of the Security Council.

*(Signed) A. B. NYAKYI
Permanent Representative of
the United Republic of Tanzania
to the United Nations*

TEXT OF THE STATEMENT

1. During the last eleven months, the Government of the United Republic of Tanzania has been playing host to peace negotiations at Arusha between the Government of the Republic of Rwanda and the Rwandese Patriotic Front (RPF). Tanzania's involvement as Facilitator was within the framework of regional efforts at finding a peaceful negotiated settlement to the Rwandese conflict.
2. The search for peace is an arduous and challenging task. Since the commencement of the peace process at Arusha in July, 1992, the parties to the conflict were able to negotiate, agree and sign a ceasefire agreement which is happily holding, and protocols on the rule of law, power-sharing, refugees and displaced persons. Having dispensed with intricate matters, the parties to the conflict addressed themselves to even trickier issues: military and security aspects and the equally demanding peace agreement. The outstanding issue of proportions in the command of the national army and the gendarmerie was about to be resolved; so were questions of the timetable for the initial and temporary placement of transitional structures and institutions and procedures for the appointment of a Prime Minister who would be nominated by the relevant party.
3. It was on the basis of the progress made at the negotiating table and the understanding that had clearly emerged that full consultations with both parties were undertaken by the Facilitator with a view to signing a comprehensive peace agreement. The Government of the Republic of Rwanda proposed Thursday, 24 June 1993 and that date was agreed to by all the parties to the conflict.
4. In view of the above, the Government of the United Republic of Tanzania sent out invitations to heads of the neighbouring countries of Burundi, Kenya, Uganda and Zaire, as well as the current Chairman of the Organization of African Unity (OAU) and the OAU Secretary-General to come and witness the signing ceremony by the President of Rwanda and

the Chairman of the Rwandese Patriotic Front in the presence of the Facilitator. Indeed, all diplomatic and consular missions and international organizations accredited to Tanzania were notified of this important event and asked to attend the ceremony.

5. The Government of the United Republic of Tanzania regrets that the peace agreement was not signed due to circumstances deemed unavoidable by the Government of the Republic of Rwanda. However, Tanzania feels that there is greater need and maximum urgency for a peace agreement to be concluded as soon as possible. Any delays will only encourage the violation of the ceasefire and escalate the conflict with ominous consequences, not only for the people and Government of Rwanda, but also for the region and Africa as a whole.

6. Tanzania wishes to make it abundantly clear that as entrusted Facilitator and good neighbour, this country remains committed to the peace process in Rwanda. We would therefore like to appeal to both parties to the conflict to exercise maximum restraint and continue to cooperate fully to ensure that a comprehensive agreement is reached quickly in the interest of all Rwanda, neighbouring countries and Africa as a whole.

DOCUMENT S/26009*

**Letter dated 28 June 1993 from the representative of
Israel to the Secretary-General**

*[Original: English]
[28 June 1993]*

The recent upsurge in terrorism across the world is an extremely dangerous phenomenon. The rise in terrorist activity in the Middle East, Europe and North America exemplifies the expanding reach and growing menace of the perpetrators of terrorist acts.

International efforts are required to confront and halt terrorism. Israel believes that there is an immediate need for joint international endeavours in fields such as intelligence-gathering, information exchange and preventive efforts in order to stand up to and defeat international terrorism. Such endeavours are essential, lest terrorism succeed in endangering the stability and security of democratic countries and in thwarting the chances for peace. Too many innocent lives have already been lost as a result of terrorist attacks. Passivity in the face of the threat posed by international terrorism will only allow the list of victims to grow still longer.

I should be grateful if you would have this letter circulated as an official document of the General Assembly and of the Security Council.

*(Signed) Gad YAACOBI
Permanent Representative of Israel
to the United Nations*

* Circulated under the double symbol A/48/225-S/26009

**Letter dated 26 June 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

[Original: English]
[28 June 1993]

I have the honour to submit to you the attached letter, dated 26 June 1993 issued by Mr. Haris Silajdžić, Minister for Foreign Affairs of the Republic of Bosnia and Herzegovina.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations

ANNEX

H.E. Niels Patersen
President of the Council of Ministers
of EC

Excellency,

The Government of the Republic of Bosnia and Herzegovina, at its session held on 26 June 1993, considered the situation issuing from the negotiations at Geneva and unanimously agreed that some of the options as considered at individual sessions are contrary to the principles adopted at the London Conference, dated 26 August 1992.

These principles are, *inter alia*:

The fundamental obligation to respect independence, sovereignty and territorial integrity of all States in the region; and to respect the inviolability of all frontiers in accordance with the United Nations Charter, the CSCE Final Act and the Charter of Paris. Rejection of all efforts to acquire territory and change borders by force;

The summit meeting of the European Community, held at Copenhagen has reaffirmed that further negotiations are to be based upon the principles of the London Conference and, in particular, on independence, sovereignty and territorial integrity of Bosnia and Herzegovina. Having in mind this, the Government of the Republic of Bosnia and Herzegovina expects the Steering Committee of the International Conference on Former Yugoslavia to establish at its meeting a platform providing for the solution based on these principles, to this issue.

You are most kindly requested to undertake all the necessary steps in this respect.

With respects,

Sarajevo, 26 June 1993

Haris Silajdžić
Minister for Foreign Affairs

**Letter dated 27 June 1993 from the representative of
Bosnia and Herzegovina to the President of the Security
Council**

[Original: English]
[28 June 1993]

I have the honour to submit to you the attached letter, dated 26 June 1993 issued by the Office of the President of the Republic of Bosnia and Herzegovina at Sarajevo.

May I ask for your kind assistance in circulating this letter as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Permanent Representative of Bosnia
and Herzegovina to the United Nations

TEXT OF THE LETTER

- Mr. Boutros Boutros-Ghali
United Nations Secretary-General
- President of the United Nations
Security Council
- Gen. Wahlgren, UNPROFOR Force Commander
- Gen. Morillon, UNPROFOR Forward
Commander in Bosnia and Herzegovina

Sir,

As you may know in October 1992 on the road to the airport of Sarajevo the Serbian aggressor established the heavy reinforced control point, thus violating the Airport Agreement, changing the regime of movement and endangering the security of transport.

This road is frequently used for the transport of Bosnian presidential delegations and the control point is the constant threat to their lives. Since UNPROFOR [United Nations Protection Force] tolerated this situation, on the same spot Bosnian Vice Prime Minister was killed by aggressor's soldiers right inside the United Nations armed personal carrier.

We urgently request the removal of that control point and taking full control of the road by United Nations forces, thus fulfilling the Airport Agreement, or the change of route to the airport through Dobrinja settlement.

In expectance of your immediate reaction, please accept our deepest considerations.

(Signed) Malik SKALJIĆ
Adviser

DOCUMENT S/26013

Letter dated 28 June 1993 from the representative of Azerbaijan to the President of the Security Council

[Original: English]
[29 June 1993]

I have the honour to transmit to you the text of a statement by the Ministry of Foreign Affairs of Azerbaijan on the latest Armenian aggression against Azerbaijan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Hassan A. HASSANOV
Permanent Representative of Azerbaijan
to the United Nations

TEXT OF THE STATEMENT

[Original: Russian]

On 28 June 1993, subdivisions of the armed forces of the Republic of Armenia, after fierce fighting in which combat planes, tanks and artillery took part, occupied the town of Agdere and surrounding villages. The fighting which began on 12 June with a view to the capture of Agdam is continuing and already a score of villages have been occupied, many of which have been burned and razed. Thousands of peaceful inhabitants are fleeing the area of hostilities and are making for the interior of the Republic.

The Ministry of Foreign Affairs of the Azerbaijani Republic regards this most recent escalation of military activity as a further example of the naked aggression perpetrated by the Republic of Armenia against Azerbaijan.

These events are taking place just as the world community - the United Nations, the Conference on Security and Cooperation in Europe, the President of the Minsk Conference and individual Governments - are making an effort to enable the interrupted peace process to resume.

The Ministry of Foreign Affairs of the Azerbaijani Republic considers that the intention of the aggressor, in addition to annexing further territory, is to destabilize the political situation inside the Republic, where the prospect of emergence from the crisis and warding off the danger of civil war was just beginning to be seen.

It is obvious that the leaders of the Republic of Armenia, by triggering a further escalation, are endeavouring to provoke a retaliatory action by Azerbaijan, which would mean that the possibility of a peaceful settlement of the conflict between Armenia and Azerbaijan would be postponed indefinitely.

The Ministry of Foreign Affairs of the Azerbaijani Republic is authorized to state that the Azerbaijani leaders, while warmly welcoming the mediation efforts aimed at a peaceful settlement of the conflict, reserve the right to use all

possible means to repel the aggressor, which cynically ignores not only the sovereignty and territorial integrity of our Republic, but also the good will of the world community.

The responsibility for these dangerous developments, which can jeopardize peace and security throughout the region, rests entirely with the militarists in power in the Republic of Armenia.

DOCUMENT S/26017

Letter dated 30 June 1993 from the representative of Hungary to the President of the Security Council

[Original: English]
[30 June 1993]

I have the honour to transmit to you a copy of the letter dated 30 June 1993 from the Permanent Representatives to the United Nations of Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Italy, Poland, Slovakia and Slovenia, States participating in the Central European Initiative, addressed to the Secretary-General.

I should appreciate if you would arrange the circulation of the letters as a document of the Security Council.

(Signed) André ERDÖS
Permanent Representative of Hungary
to the United Nations

LETTER DATED 30 JUNE 1993 FROM THE REPRESENTATIVES OF AUSTRIA BOSNIA AND HERZEGOVINA, CROATIA, THE CZECH REPUBLIC, HUNGARY, ITALY, POLAND, SLOVAKIA AND SLOVENIA TO THE SECRETARY-GENERAL

The Permanent Representatives to the United Nations of Austria, Bosnia and Herzegovina, Croatia, the Czech Republic, Hungary, Italy, Poland, Slovakia and Slovenia, States participating in the Central European Initiative (CEI), have the honour to raise with you an important problem relating to the restoration of normalcy in the war-torn areas of the former Yugoslavia.

Before the outbreak of the conflict there, the Adriatic oil pipeline used to play a major role in the provision of oil from the Adriatic port of Omisalj and through Croatia to a number of Central European countries. However, in the wake of the hostilities in Croatia, the pipeline that partly runs through United Nations Protected Areas has been blocked since September 1991. As a result, the countries concerned have been suffering considerable economic and financial losses. The reopening of the Adriatic pipeline is therefore of vital importance to them.

In the opinion of the CEI participating States, UNPROFOR [United Nations Protection Force] could play a crucial role in the early reactivating of the Adriatic pipeline. In view of the forthcoming renewal of UNPROFOR's mandate at the end of this month, the Governments of the CEI countries would like

to draw your attention to this yet unresolved serious problem which adds another international dimension to the ongoing conflict in certain areas of the former Yugoslavia and which remains a major concern for the States of the region. They believe that the reopening of the Adriatic pipeline will be a positive contribution to the peaceful efforts to normalize the situation in the area.

(Signed) Peter HOHENFELLNER
Permanent Representative of
Austria to the United Nations

(Signed) Mario NOBILLO
Permanent Representative of the
Republic of Croatia to the
United Nations

(Signed) Andr   ERD  S
Permanent Representative of the
Republic of Hungary to the
United Nations

(Signed) Stanislaw KONIK
Charg   d'affaires a.i.
Permanent Mission of the
Republic of Poland to the
United Nations

(Signed) Danilo TURK
Permanent Representative of the
Republic of Slovenia to the
United Nations

(Signed) Muhammad SACIRBEY
Permanent Representative of the
Republic of Bosnia and Herzegovina
to the United Nations

(Signed) Karel KOVANDA
Permanent Representative of the
Czech Republic to the United
Nations

(Signed) Mario SCIALOJA
Charg   d'affaires a.i. of the
Permanent Mission of Italy
to the United Nations

(Signed) Peter TOMKA
Charg   d'affaires a.i.
Permanent Mission of the
Slovak Republic to the
United Nations

DOCUMENT S/26034

Report of the Secretary-General on the United Nations Operation in Mozambique

[Original: English]
[30 June 1993]

INTRODUCTION

1. The present report is submitted in response to paragraph 14 of Security Council resolution 818 (1993) of 14 April 1993, in which I was requested to keep the Council informed of developments regarding the full implementation of the provisions of the General Peace Agreement for Mozambique [S/24635, annex], including progress in consultations with the Government of Mozambique and the Resist  ncia Nacional Mo ambicana (RENAMO) concerning the finalization of the precise timetable for the separation, concentration and demobilization of forces, as well as for the elections, and to submit a further report to the Council by 30 June 1993. The present report covers the period up to 25 June 1993, and brings up to date the activities of the United Nations Operation in Mozambique (ONUMOZ) in implementation of the political, military, electoral and humanitarian aspects of its mandate.

2. Since my report of 2 April 1993 [S/25518], my Special Representative for Mozambique, Mr. Aldo Ajello, has continued his efforts to promote the peace process in the country in consultation with all parties concerned. He reports that, despite numerous difficulties, the Government and RENAMO, with the assistance of the United Nations, can make the peace process succeed, both having repeatedly reiterated their commitment to this end. It is encouraging that, mutual accusations notwithstanding, there have been no major

violations of the cease-fire. However, nine months after the signing of the peace agreement, and despite these positive developments, the delays that were previously reported to the Council have not been entirely overcome and, as indicated below, determined efforts by the two parties will be required to ensure that the peace process regains its momentum.

I. CEASE-FIRE ARRANGEMENTS

3. My previous report to the Security Council [*ibid.*] detailed the various difficulties of a political, administrative and logistical nature that impeded the rapid deployment of the ONUMOZ military component. I am now pleased to inform the members of the Council that, by the beginning of May, all the main infantry battalions of ONUMOZ were fully deployed and its military infrastructure established in all three operational regions. At present, five infantry battalions from Bangladesh, Botswana, Italy, Uruguay and Zambia and support units from Argentina, Bangladesh, India, Italy, Japan and Portugal have been deployed, with a total strength of some 6,100 military personnel. An additional unit, a second engineer company from India, is expected in Mozambique at the beginning of July 1993. Over the last month, ONUMOZ units have been providing security in the Beira, Tete and Limpopo corridors and along national highway N1 in order to protect humanitarian convoys using them, until the new Mozambican Defence Force (FADM) become operational. This ONUMOZ presence is a stabilizing factor, and the situation in the country remains generally calm, without armed attacks in the corridors, except for persistent acts of banditry.

4. Further, the withdrawal of foreign troops provided for in the General Peace Agreement has been successfully completed. ONUMOZ observers witnessed the repatriation of Zimbabwean troops from the Beira corridor from 11 to 15 April 1993 and the withdrawal of Malawian troops from the Nacala corridor on 9 June 1993.

5. The operational plan of ONUMOZ also envisages that the military component would monitor and verify the cease-fire, the assembly and demobilization of forces in 49 assembly areas (29 for the Government and 20 for RENAMO) and the collection, storage and destruction of weapons. By 25 June 1993, some 260 military observers of the 354 authorized had been deployed to perform these tasks. The remaining military observers are being kept on stand-by in their home countries and will be deployed to Mozambique as soon as the majority of the assembly areas are operational. As a confidence-building measure, it would be also essential to provide additional patrols and observation, which would involve permanent stationing of military personnel outside assembly areas and transport corridors. For this purpose, the strength of the military units is to be brought up to the levels originally envisaged. These steps will ensure effective arrangements for the transportation, storage, and destruction of weapons, as well as to undertake the complex demobilization procedures that have been approved or are being finalized in the joint commissions.

6. Regrettably, more than eight months after the signing of the General Peace Agreement, the deadlines for the

cantonment of government and RENAMO troops have not been met, resulting in a setback to the peace process. Until now, a main cause of delays in this area has been the difficulty in identifying and obtaining government and RENAMO agreement on acceptable sites that would also be logistically accessible to the ONUMOZ personnel responsible for assisting in maintaining them. Yet another condition set by RENAMO was that at least 65 per cent of the ONUMOZ troops should be deployed in order to guarantee security in RENAMO-controlled territories. These problems have been resolved, but the Government and RENAMO are yet to take decisive steps towards assembly and demobilization. Contrary to the understanding of ONUMOZ that this process would be carried out in stages, both parties are now indicating that they will not be ready to proceed until all 49 assembly areas are operational. This implies that the earliest feasible date for full assembly would be early September 1993. RENAMO recently proposed that government militias and paramilitary formations should be disbanded before troop assembly starts. Neither of the above-mentioned proposals is supported by the provisions of the General Peace Agreement, and my Special Representative has repeatedly stressed that, while the military situation in Mozambique remains calm, this relative peace will remain fragile until the demobilization is completed and FADM is formed.

7. At present, a total of 13 assembly areas has been approved by the Cease-fire Commission (CCF), 6 of which (3 each for the Government and RENAMO) have been fully prepared and declared ready by ONUMOZ. However, the formal decision to start the process must still be made by the Supervisory and Monitoring Commission (CSC) after the concurrence of the Government and RENAMO is obtained. It is also obvious that there will be many daunting problems involved in the demobilization of several tens of thousands of soldiers and their smooth transition into civilian life. Since mid-April, ONUMOZ military observers have also been involved in the resettlement of some 16,000 government soldiers who were formally demobilized, along with their dependants, prior to the signing of the General Peace Agreement. The process of registering these soldiers for return to their places of choice began on 17 April 1993 in Maputo province, under ONUMOZ supervision and was concluded on 21 May 1993. By that time, 13,717 soldiers had been registered, more than 7,000 of whom were resettled by 25 June 1993.

8. The active participation and cooperation of the donor community and international financial institutions will be indispensable to assure the success of the reintegration of ex-combatants into civilian life. The United Nations Development Programme (UNDP) and other United Nations programmes and agencies, which are already planning activities in this area, will actively assist in making this a viable project. However, the Government, and Mozambican society itself, must bear the main responsibility for the success of this process. It should be noted here that the unavailability of equipment and supplies for ONUMOZ in the mission area, which must therefore be imported from distant sources, adds substantially to the cost of the operation, besides being very time-consuming. A possible solution might be to authorize

ONUMOZ to purchase immediate requirements and to obtain services as far as possible from countries in the region.

9. The status-of-forces agreement between the Government of Mozambique and the United Nations was signed in New York on 14 May 1993. As anticipated in my previous report to the Council, this has greatly facilitated the entire work of ONUMOZ, and especially the deployment of its military component.

II. FORMATION OF MOZAMBIKAN DEFENCE FORCE

10. Under the terms of the General Peace Agreement, the formation of the new FADM was to begin immediately after the cease-fire was established and was to be conducted simultaneously with the concentration, disarmament and integration into civilian life of the demobilized personnel. Each side was to contribute an equal number of troops. Delays in this regard have been of particular concern and are linked with delays already pointed out in implementing other major elements of the peace plan. In particular, RENAMO failed to send the first wave of its personnel who were to be trained, together with government personnel, by specialists from the United Kingdom of Great Britain and Northern Ireland in the military centre at Nyanga (Zimbabwe). The Government of the United Kingdom has conveyed to me its disappointment at having to keep its military instructors there for more than five months in anticipation of the arrival of the Mozambican trainees. It is essential, therefore, that RENAMO should urgently take this first step of sending its military personnel to the Nyanga training centre, and I hope that the Government of the United Kingdom will be in a position to continue to extend its assistance to the training programme.

11. The Joint Commission for the Formation of the Mozambican Defence Force (CCFADM) is expected to start work only in July 1993, the continued delay being primarily attributable to RENAMO's unreadiness to keep its delegation at Maputo (see para. 12 below). To ensure impartiality in the Commission's work, the two parties and the observers have formally requested my Special Representative to assume chairmanship of this important commission and to provide effective secretariat services, which functions were not envisaged by the General Peace Agreement (see para. 26 below).

III. POLITICAL ACTIVITIES

12. The political process in Mozambique continued its chequered course, and limited progress was made between March and the end of May 1993 in the implementation of the General Peace Agreement. This was due mainly to RENAMO's withdrawal of its delegation from Maputo on the grounds that its members were not provided with proper accommodation, transport and communications facilities. In accordance with protocol III of the General Peace Agreement, the Government had made several offers to RENAMO of office space and accommodation at Maputo. Subsequently, the Government, in coordination with ONUMOZ, also interceded on RENAMO's behalf with the international community. A trust fund for receiving voluntary contributions and

channelling funds to RENAMO was established on 10 May 1993 under rules and procedures conforming to standard United Nations practice. Italy has contributed almost \$6 million to the fund, and a number of Member States have announced their intention to contribute. The fund will be used, among other things, to provide RENAMO with office space, accommodation and equipment. Meanwhile, RENAMO is temporarily accommodated in a hotel at Maputo and in 18 houses provided by the Government.

13. At the end of May 1993, RENAMO delegates returned to Maputo to participate first in informal meetings to prepare for the resumption of the work of the commissions, and subsequently in meetings of the joint commissions. The work of CSC and CCF successfully resumed on 3 June 1993, and the Commission for Reintegration (CORE) was convened on 11 June 1993. Both parties recently presented each other with a full list of delegates to all the commissions, including CCFADM, which has since held its first meeting. Also recently, the President of Mozambique appointed members of the National Information Commission (COMINFO) and the Police Affairs Commission (COMPOL).

14. Further, there has been progress in mine-clearance. Of a total of \$19 million now available, \$15 million has been designated for the de-mining of priority roads and a nationwide mine survey; the remaining \$4 million will be used to fund other aspects of the nationwide de-mining plan, such as a mine-clearance training facility and a mine-awareness programme.

15. The establishment of two very important bodies, the National Elections Commission (NEC) and the Commission of State Administration, are still pending. The latter is of particular significance, as the RENAMO leadership has declared in public statements that it will not allow members of the Mozambique Liberation Front (FRELIMO) to conduct political, social or economic activities in RENAMO-controlled territory. It should be kept in mind that moves that obstruct the extension of government administration throughout the country would be in violation of the spirit and letter of the General Peace Agreement. A positive factor is that, after active encouragement from my Special Representative, both President Joaquim Alberto Chissano and Mr. Afonso Macacho Marceta Dhlakama, President of RENAMO, have agreed to meet at Maputo in July 1993.

IV. PREPARATION FOR THE ELECTIONS

16. On 26 March 1993, the Government prepared and distributed the text of a draft electoral law to the political parties, and a multi-party consultative meeting to discuss this document was convened on 27 April 1993. However, RENAMO refused to attend the meeting on the grounds that it had not had sufficient time to study the text. The 12 smaller parties, which constitute the so-called "unarmed opposition", did attend, but walked out after having presented a declaration demanding material and financial support for the establishment of their party headquarters and alleging that there had been insufficient time for them to analyse the draft. These parties

also proposed that, before the elections were held, a new Government be established for a transitional period.

17. In the absence of initiatives from any party to break the resulting impasse, several Member States attending the Follow-up Donors Meeting that was held at Maputo on 8 and 9 June 1993 (see para. 19 below) stressed their concern over the delays in the peace process and urged the parties to resume discussions without delay in order for the elections to be held by October 1994. This made it evident that the international community stands ready to support the peace process, but at the same time is increasingly frustrated by the accumulated delays and considers any further procrastination unacceptable. On 16 June 1993, the Minister of Justice of Mozambique took a step towards breaking the deadlock by inviting all political parties to an informal meeting to set a new date for the discussion of the draft electoral law. An understanding was reached that the parties, including FRELIMO and RENAMO, would reconvene for that purpose during the first half of July 1993. The Government also announced that, in response to the demands of the "unarmed opposition", it had set aside housing for the first three registered parties prepared to move in before the end of June 1993; it also agreed to allocate funds from its 1994 budget to political parties for use during the political campaign. These are positive decisions which, if fully implemented, could make an important contribution to the success of the electoral process.

V. HUMANITARIAN ASSISTANCE PROGRAMME

18. The major goal of the humanitarian assistance programme in Mozambique is to address effectively the reintegration needs of all Mozambicans and particularly the humanitarian needs of those who are now returning to resettle in their original communities. It is projected that over 5.5 million Mozambicans will resettle during the next two years. This figure includes about 4 million internally displaced persons, 1.5 million refugees and 370,000 demobilized soldiers and their dependants. This situation has necessitated the programme's shift in emphasis from emergency humanitarian relief towards reintegration and rehabilitation. Support for the repatriation process, the demobilization of armed forces, emergency relief and the restoration of essential services constitute the main components of the current consolidated humanitarian assistance programme for the period 1993-1994.

19. The details of this programme were presented at the Follow-up Donors Meeting which, as a sequel to the Donors Conference on Mozambique held at Rome on 15 and 16 December 1992 and on the basis of protocol VII of the General Peace Agreement, was convened at Maputo on 8 and 9 June 1993 under the joint chairmanship of the United Nations and the Government of Italy. The implementation of this programme will require \$559.6 million for a 12-month period, from May 1993 to April 1994. Against this total requirement, \$450 million had been pledged during the Rome Donors Conference and afterwards. Additional pledges totalling \$70 million were announced at the Follow-up Donors Meeting. Having recognized the humanitarian assistance programme as an integral part of the peace process that aims at reconciliation and reconstruction in Mozambique, this meeting also

highlighted the complementarity between activities in the humanitarian field and those undertaken in the political area.

20. My Special Representative and the Director of the humanitarian assistance programme, together with the heads of United Nations operational agencies and representatives of the International Committee of the Red Cross in Mozambique, met recently with the leaders of RENAMO to discuss problems related to the provision and distribution of humanitarian relief in RENAMO-controlled areas. It was agreed by all concerned that humanitarian organizations would have unimpeded access to all Mozambicans who are in need of humanitarian assistance and live in areas under RENAMO control. As of 16 June 1993, 19,387 tons of food, 1,729 tons of seed, 1.18 tons of soap and 290,777 units of tools, blankets and other non-food items were distributed in those areas. On 12 June 1993, the Office of the United Nations High Commissioner for Refugees launched its programme to repatriate Mozambican refugees by organizing the start of the voluntary return of the estimated 250,000 Mozambicans now in Zimbabwe.

VI. NEW TIMETABLE FOR THE PEACE PROCESS

21. The experience of the past several months has demonstrated clearly that the original timetable contained in the General Peace Agreement, which anticipated that the elections would be held in October 1993, was overambitious and needs to be reviewed in close consultation with the Government and RENAMO. This issue has been raised on numerous occasions by my Special Representative with President Chissano and Mr. Dhlakama. Other interested parties, observer States, United Nations agencies and the donor community at Maputo have also been closely consulted, with a view to determining a realistic deadline for the extension.

22. The core of the new timetable under discussion is the length of time required to complete the demobilization and the formation of the new army, which are prerequisites for the holding of elections. As envisaged in the adjusted time-frame, the first assembly areas were ready to be opened by 21 June 1993. The timetable also calls for the concentration and demobilization of troops to start on 1 July 1993. During the first two weeks of July 1993, the first group of government and RENAMO soldiers should be sent for training at Nyanga, and the formation of FADM would then begin on 1 September 1993, which would coincide with the opening of the last assembly areas. At the same time, the Electoral Law would be approved by the end of July 1993. Since the registration document, on which the Government insists in the draft Electoral Law, requires the use of photographic equipment and high security grade paper materials for which procurement and delivery will require at least several months, registration will not start before the end of 1993. However, as the rainy season extends from November to March, it is foreseen that the three-month registration period can begin only in April 1994, which would allow the elections to be held by September to October 1994. This would constitute a rather tight schedule, and any major delays would result in a significant postponement of the elections until May to June 1995, after the next rainy season.

23. While the general parameters of the new timetable have been thoroughly discussed, I am still awaiting final agreement from both parties. Meanwhile, during the recent Follow-up Donors Meeting at Maputo, donors urged the Government and RENAMO to finalize as soon as possible a precise timetable for the full implementation of the provisions of the General Peace Agreement and stated that they were strongly in favour of holding the elections by October 1994. I hope to be in a position shortly to obtain a firm agreement of the parties to a new timetable, and shall submit my recommendations on the extension of the mandate of ONUMOZ and its financial implications to the Council in due course.

VII. OBSERVATIONS

24. After unfortunate delays between March and May 1993, determined efforts have resulted in forward movement of the peace process in Mozambique. All parties have had time to reflect on their positions. Many positive developments have occurred during the reporting period: the virtually full deployment of ONUMOZ in various regions of the country, the establishment of the Trust Fund to assist RENAMO and the resumption of the work of many of the joint commissions. These, together with a massive international effort in the humanitarian field, with a sharp increase in the return of refugees and displaced persons, have created a firm foundation for advancing the peace process.

25. The fact that the General Peace Agreement is being implemented, albeit with delays, is clear proof of the desire of the people of Mozambique for the return of peace. However, unless its major provisions are implemented, this promising environment will remain fragile and the future of the country will continue to be uncertain, at best. The United Nations will of course continue to sustain and assist in the implementation of the peace process, but it cannot move it forward by itself. Much would now depend on the two Mozambican parties themselves; their intentions will be increasingly judged by their deeds.

26. It is essential, therefore, that the Government and RENAMO now commit themselves to accelerating the whole peace process in Mozambique. Much time has already been lost; there should be no further delay in finalizing a new and realistic timetable for the implementation of the peace plan. For the plan to succeed, the cantonment and demobilization of troops should start in the coming days and weeks and be completed early in 1994. It would be equally important to ensure that the training of the new army, a vital prerequisite for a democratic and stable environment in Mozambique, be initiated as soon as possible in order to keep the agreed timetable on track. To assist in facilitating this process, I would be ready to accede, with the consent of the Security Council, to the request that ONUMOZ assume chairmanship of CCFADM, on the strict understanding that this would not entail any obligation on the part of the United Nations for training or establishing the new armed forces.

27. The start of preparations for the elections in an atmosphere of tolerance and reconciliation is a matter of high priority. While the international community remains

supportive of all positive trends in Mozambique, it would, I am convinced, react negatively to further procrastination by any party or to the introduction of new conditions for proceeding with the implementation of the peace agreement. The scarcity of international resources does not lend itself to sustaining indefinite commitments. There is a pressing need to renew and sustain the momentum towards attaining lasting peace in Mozambique. In such a complex process, it would be inadmissible to allow further postponements. If the Government and RENAMO maintain their political commitment and if the international community is assured that the implementation of the Rome accords would proceed at a brisk pace, the process could succeed and elections could be held not later than October 1994. I do not see any viable alternative.

28. It was opportune that I was able to review the situation in Mozambique with President Chissano on 26 June during the meeting of the Assembly of Heads of State and Government of the Organization of African Unity at Cairo. I am pleased to report to the Council that the President reiterated his commitment to make every effort to overcome the difficulties and delays encountered, in order to ensure the success of the peace process. I am confident that RENAMO also will endeavour to achieve this vital goal.

29. I would like to take this opportunity to pay tribute to my Special Representative, to the Force Commander, Major-General Lelio Goncalves Rodrigues da Silva, and to the military and civilian personnel of ONUMOZ who are tackling with determination and dedication the difficult task of helping the people of Mozambique to achieve lasting peace and democracy in their country.

NOTES

¹ Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949 (United Nations, *Treaty Series*, vol. 75, No. 973).

² A/C.5/47/91.

³ United Nations, *Treaty Series*, vol. 189, No. 2545.

⁴ *Ibid.*, vol. 606, No. 8791.

⁵ A/47/485, annex.

⁶ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Provisional Measures, Order of 8 April 1993, I.C.J. Reports 1993.*

⁷ General Assembly resolution 260 A (III).

⁸ General Assembly resolution 22 A (I).

⁹ General Assembly resolution 179 (II).

¹⁰ United Nations, *Treaty Series*, vol. 1035, No. 15410.

¹¹ *Ibid.*, vol. 75, Nos. 970-973.

¹² On 19 April 1993, the Secretary-General addressed a letter to the President of the Security Council informing him that the report would be made available to the Council no later than 6 May 1993.

¹³ The 1953 Committee on International Criminal Jurisdiction was established by General Assembly resolution 687 (VII) of 5 December 1952.

¹⁴ Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

¹⁵ See United Nations, *Treaty Series*, vol. 82, No. 251. See also Judgement of the International Military Tribunal for the Prosecution and Punishment of the Major War Criminals of the European Axis (United States Government Printing Office, *Nazi Conspiracy and Aggression, Opinion and Judgement*) and General Assembly resolution 95 (I) of 11 December 1946 on the Affirmation of the Principles of International Law Recognized by the Charter of the Nurnberg Tribunal.

¹⁶ Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide: Advisory Opinion of 28 May 1951, *I.C.J., 1951*.

¹⁷ *Official Gazette of the Control Council for Germany, No. 3, p. 22, Military Government Gazette, Germany, British Zone of Control, No. 5, p. 46, Journal officiel du commandement en chef français en Allemagne, No. 12 of 11 January 1946.*

¹⁸ In this context, it is to be noted that the International Court of Justice has recognized that the prohibitions contained in common article 3 of the 1949 Geneva Conventions are based on "elementary considerations of humanity" and cannot be breached in an armed conflict, regardless of whether it is international or internal in character. *Case Concerning Military and Paramilitary Activities in and against Nicaragua (Nicaragua v. United States of America), Merits, Judgment, I.C.J. Reports 1986.*

¹⁹ See General Assembly resolution 2200 A (XXI), annex.

²⁰ United Nations, *Treaty Series*, vol. 382, No. 5476.

²¹ *Ibid.*, No. 5475.

²² See *Official Records of the General Assembly, Forty-sixth Session, Plenary Meetings, 90th meeting.*

²³ United Nations, *Treaty Series*, vol. 485, No. 7063.

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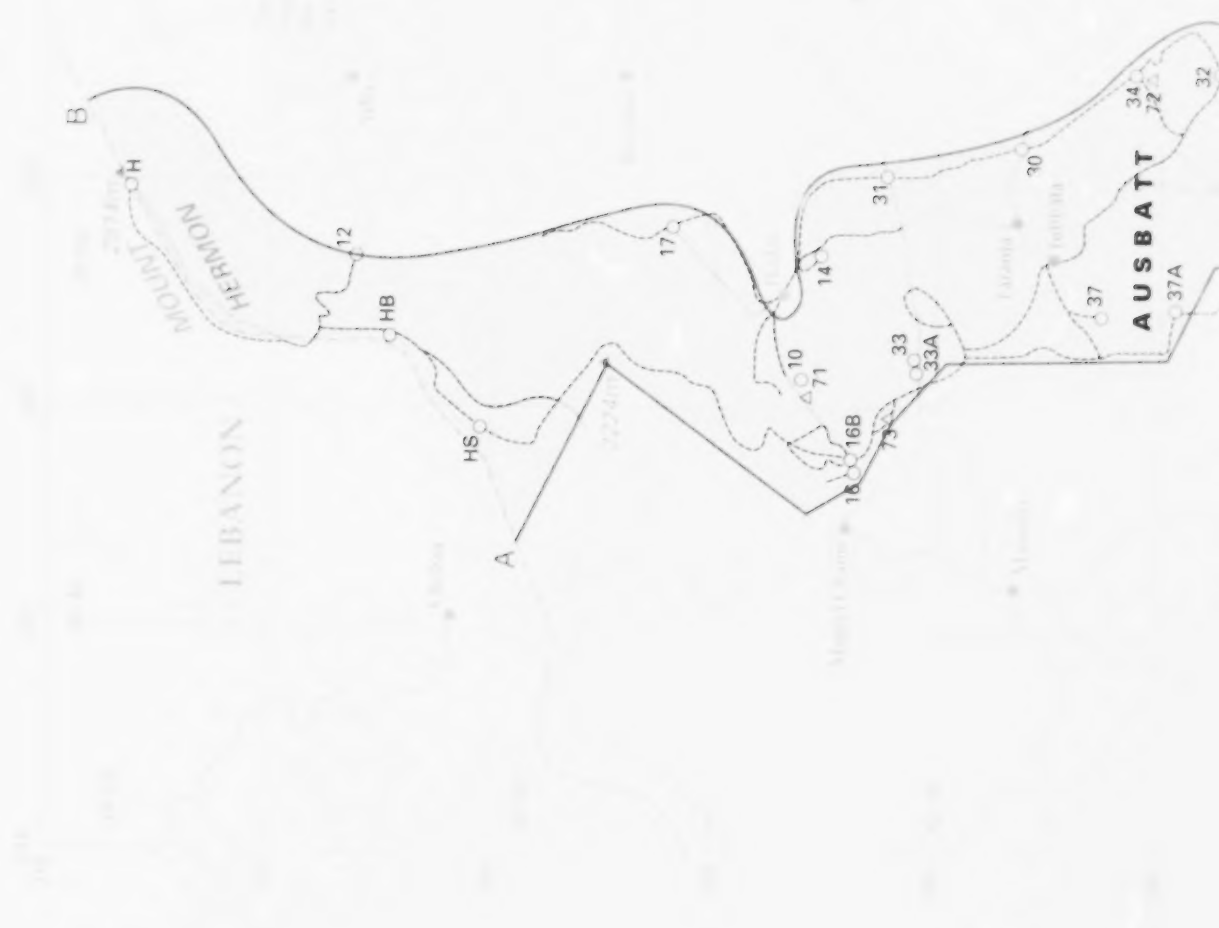
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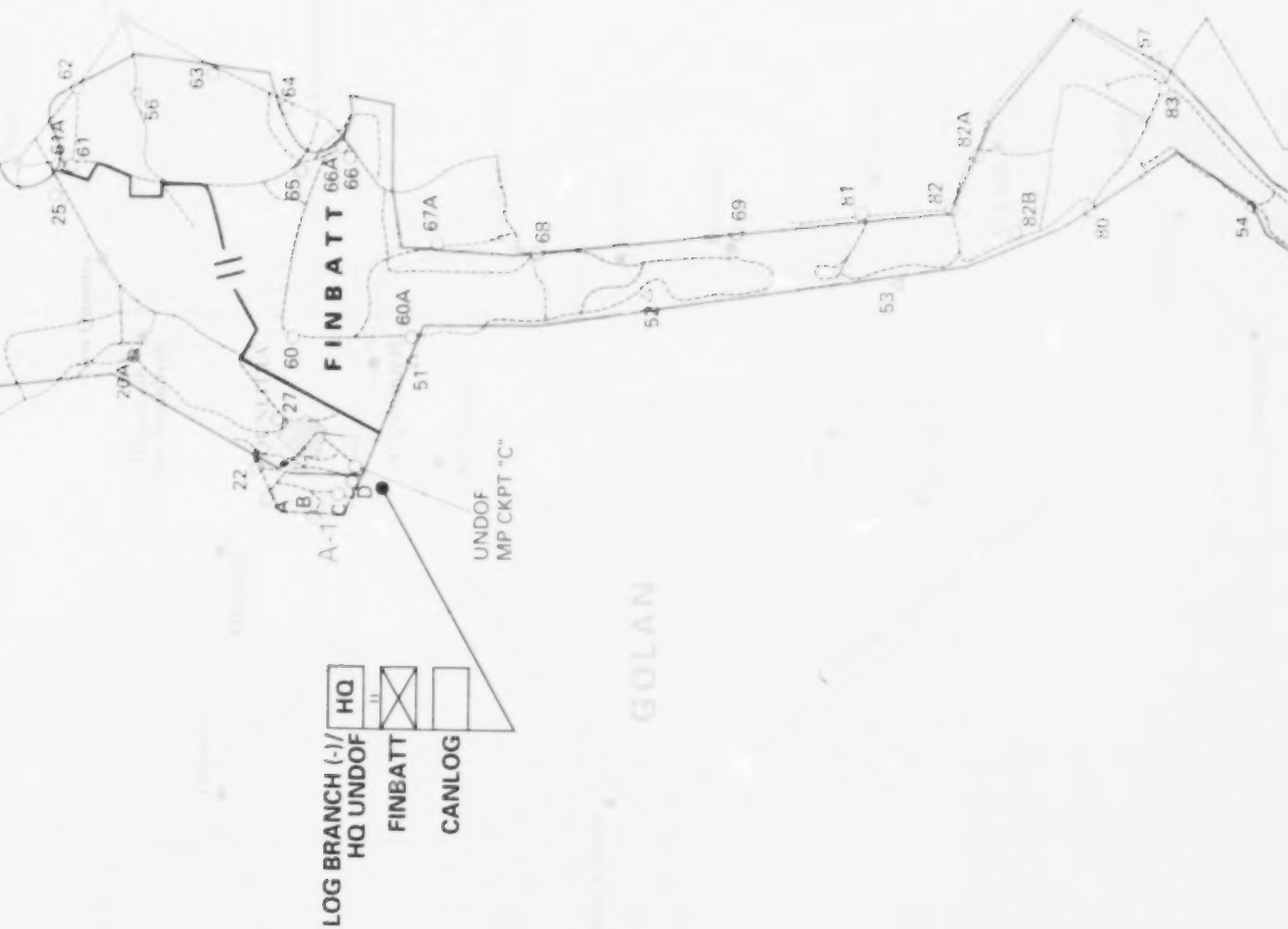
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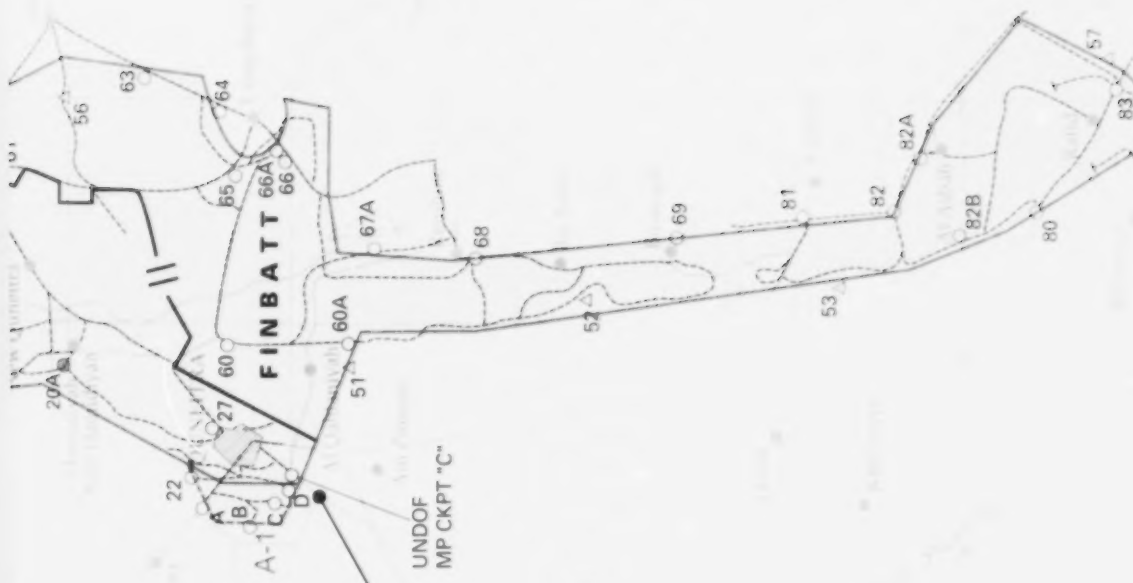
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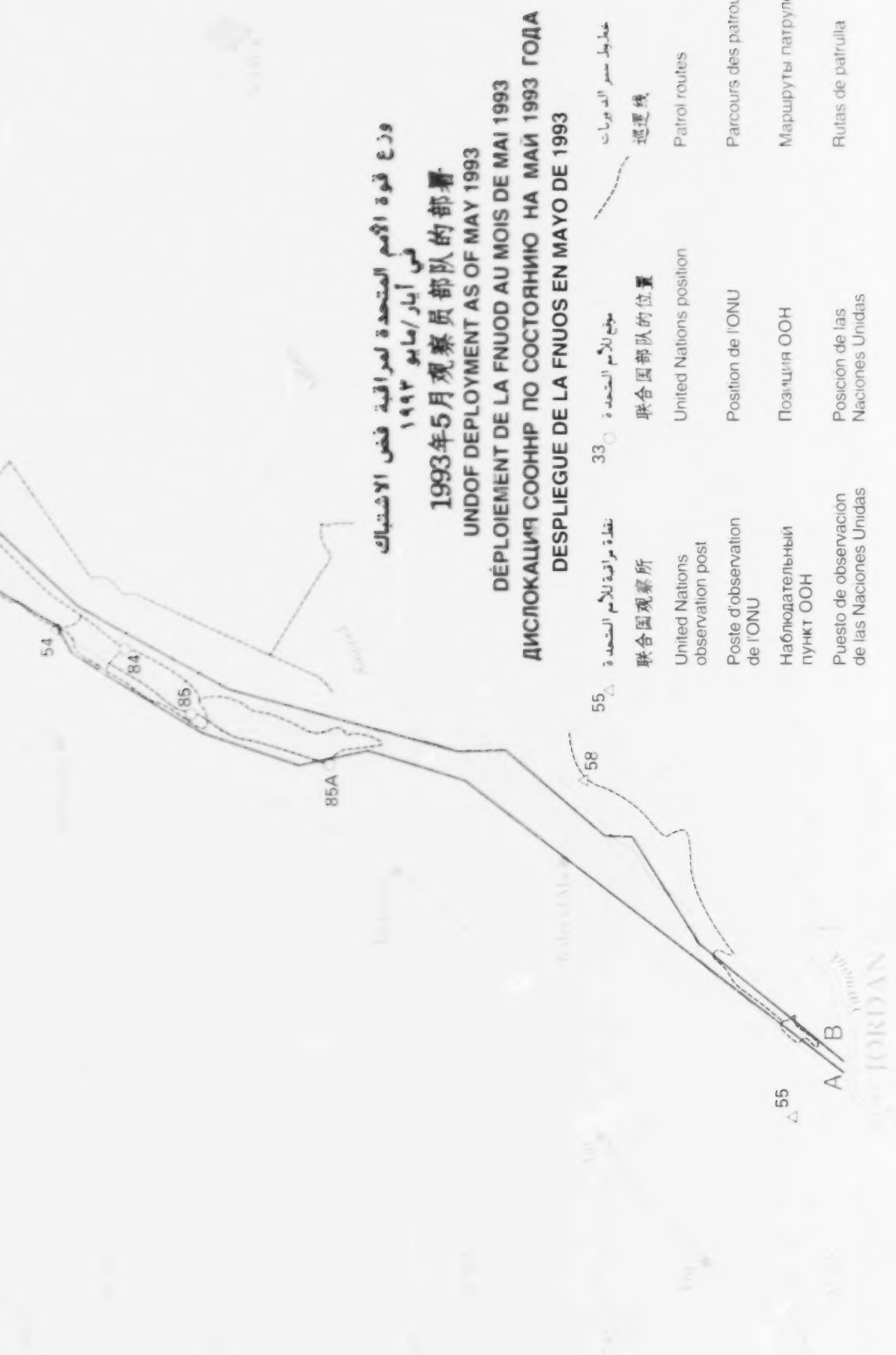
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